W. B. Alexander

2.6

AN EXACT ABRIDGEMENT OF ALL THE PUBLIC ACTS OF ASSEMBLY OF VIRGINIA, IN FORCE AND USE.

JANUARY 1. 1758.

TOGETHER WITH A PROPER TABLE.

By *JOHN MERCER*, Gent.

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A TABLE

Of all the PUBLIC ACTS of ASSEMBLY IN FORCE AND USE.

JANUARY 1. 1758.

AT a grand assembly summoned to be held at *James' city*, the 23d day of *March* 1660. (12 *Charles* II.) and from thence continued by prorogation to the 23d of *March* 1661. (13 *Car.* II.)

Cap. 1.	*CHURCH to be built, or chapel of ease.*	Churches.
3.	*Vestries appointed.*	Vestries.
4.	*Ministers to be inducted.* 1642.	Ministers.
5.	*Ministers to provide Readers.*	Readers.
6.	*Liturgy to be read.*	Ministers.
7.	*Church Catechism.*	Ministers.
8.	*Ministers to preach weekly.*	Ministers.
10.	*The thirtieth of* January *to be kept a fast.*	Feasts and Fasts.
11.	*The twenty ninth of May to be kept holy.*	Feasts and Fasts.
15.	*Church-wardens to keep the church in repair, and provide ornaments.*	Church-wardens.
91.	*Divulgers of false news.*	False News.
134.	*Priviledge of Virginia owners.*	Ships.

Passed in the absence of Sir *William Berkley*, who was then in *England*, by

Francis Morison, Esq; deputy governor.

Robert Wynne, Speaker.

At a grand aſſembly held at *James'* city, by prorogation from *Dec.* 2d 1662, to *Sept.* 10th 1663; and in the 15th year of the reign of our ſovereign lord king *Charles* the ſecond.

Cap. 14. *An act for keeping holy the thirteenth of September.* — Feaſts and Faſts.

16. *An act concerning the entertainment of ſtrangers.* — Entertainment.

Signed by Sir *William Berkley* governor.
Robert Wynne ſpeaker.

At a grand aſſembly holden at *James'* city, by prorogation from *Sept.* 17. 1668, to *October* 20th 1669; and in the 21ſt year of the reign of our ſovereign lord king *Charles* the ſecond.

Cap. 5. *An act for freeing* Virginia *owners from caſtle duties.* Confirmed *cap.* 3. 1680. — Ships.

Signed by Sir *William Berkley* governor.
Robert Wynne ſpeaker.

At a grand aſſembly begun at *Green Spring* the 20th day of *February*, in the 29th year of the reign of our ſovereign lord *Charles* the ſecond, by the grace of God, of *England, Scotland, France* and *Ireland* king, defender of the faith, *&c. Anno Dom.* 1676.

Cap. 4. *An act declaring all the acts, orders and proceedings of a grand aſſembly held at* James' *city in the month of* June 1676. *void, null and repealed.* — Judicial Proceedings.

Signed by Sir *William Berkley* governor.
Auguſtine Warner ſpeaker.

At a general aſſembly begun at *James'* city, *June* 8th 1680, in the 32d year of our ſovereign lord king *Charles* the ſecond.

Cap. 1. *An act of free and general pardon, indemnity and oblivion.* — Sedition.

2. *An*

2. *An act for naturalization.* Aliens.

3. *An act for raising a public revenue for the better support of the government of this his majesty's colony of* Virginia. Revenue.

These three acts were brought over by the Lord *Culpepper*, under the great seal of *England*, and passed by the assembly here.

13. *An act prohibiting unlawful disturbances of divine service.* Divine service.

Signed by Lord *Culpepper* governor.
Thomas Ballard speaker.

At a general assembly begun at *James'* city, *April* 16. 1691, in the 3d year of the reign of our sovereign lord and lady *William* and *Mary*, by the grace of God, of *England*, *Scotland*, *France*, and *Ireland*, king and queen, defenders of the faith, *&c.* and in the year of our Lord 1691.

Cap. 8. *An act for ports,* &c. Suspended *Session* 2. *cap.* 1. 1692. until their majesties pleasure should be known therein. But it not being approved of at home, two acts were made in 1699 and 1705, *for confirming titles to town lands.* Towns.

Signed by
Francis Nicholson esq; lieut. governor.
Thomas Milner speaker.

At a general assembly begun at *James'* city, the 27th day of *April* in the 11th year of the reign of our sovereign lord *William* the third, by the grace of God, of *England*, *Scotland*, *France*, and *Ireland*, king, defender of the faith, *&c.* *Anno Dom.* 1699.

Cap. 10. *An act for confirming titles to town-lands.* Re-enacted almost *verbatim*, *cap.* 44. 1705. only two provisoes in this act, *For vesting lands purchased, pursuant to the act for ports, in the trustees, altho' the same had not been conveyed by the proprietors, and for giving twelve months time to build upon lots, are omitted.* — Towns.

Signed by *Francis Nicholson* governor.
Robert Carter speaker.

At a general assembly begun at the capitol in the city of *Williamsburg*, the 23d day of *October*, in the 4th year of the reign of our sovereign lady *Anne*, by the grace of God, of *England*, *Scotland*, *France*, and *Ireland*, queen, defender of the faith, *&c.* *Anno Domini* 1705.

Cap. 2. *An act for regulating the elections of burgesses, for settling their priviledges, and for ascertaining their allowances.* — Burgesses.

8. *An act concerning public claims.* — Claims.

23. *An act declaring the Negro, Mulatto and Indian slaves within this dominion to be real estate.* — Slaves.

28. *An act for the continuing of general assemblies in case of the death or demise of her majesty, her heirs or successors; and for making valid all acts of the governor and council, and all judgments and proceedings at law, which shall happen between the death of any king or queen of* England, *and the notification thereof in this country.* — Assembly.

29. *An act for laying an imposition upon skins and furrs, for the better support of the college of* William *and* Mary *in* Virginia. — Duty on Skins.

30. *An act for the effectual suppression of vice, and restraint and punishment of blasphemous, wicked and dissolute persons.* — Atheism.

33. An

33. *An act for the distribution of intestates estates, declaring widows rights to their deceased husbands estates; and for securing orphans estates.* } Intestates Estates.

35. *An act for limitation of actions, and avoiding of suits.* } Limitation of Actions.

43. *An act continuing the act directing the building the capitol, and the city of Williamsburg, with additions.* } Williamsburg.

44. *An act for confirming titles to town lands.* Towns.

45. *An act for naturalization.* Aliens.

46. *An act for improving the staple of tobacco, and for regulating the size and tare of tobacco hogsheads.* } Tobacco Seconds.

47. *An act to prevent ships sailing in contempt of embargoes.* } Embargoes

52. *An act for prevention of misunderstandings between the tributary Indians, and other her majesty's subjects of this colony and dominion; and for a free and open trade with all Indians whatsoever.* } Indians.

Signed by *Edward Nott* governor.
Benjamin Harrison speaker.

At a general assembly begun and holden at the capitol in the city of *Williamsburg*, October 25. 1710. (9 *Ann.*)

Cap. 5. *An act for raising a public revenue for the better support of the government of her majesty's colony and dominion of* Virginia. } Revenue

12. *An act to prevent the destroying and murdering of bastard children.* } Murder.

13. *An act for settling the titles and bounds of lands, and for preventing unlawful shooting and ranging thereupon.* } Patents.

Signed by *Alexander Spotswood* governor.
Peter Beverley speaker.

At

At a general aſſembly begun at the capitol, *October* 22. 1712. (11 *Ann.*)

Cap. 4. *An act to prevent land lapſing from infants for not ſeating and planting, or not paying quit-rents until three years after they come of age.* — Lapſed Lands

Signed by *Alexander Spotſwood* governor.
Peter Beverley ſpeaker.

At a general aſſembly begun and holden at *Williamsburg*, October 22. 1712. (11 *Ann*) and thence continued by ſeveral prorogations to *November* 1713. (12 *Ann*) ſeſſion 2.

Cap. 3. *An act declaring what ſhall be accounted a ſufficient ſeating, planting, cultivating and improving of lands already granted, or hereafter to be taken up and patented.* — Seating Lands.

4. *An act for regiſtering births, chriſtenings and burials.* — Pariſh Regiſter.

Signed by *Alexander Spotſwood* governor.
Peter Beverley ſpeaker.

At a general aſſembly begun at the capitol, the 22d *October* 1712. (11 *Ann*) and thence continued by ſeveral prorogations to *November* 16. 1714. (1 *Geo.*) and then held purſuant to the act of 4 *Ann* chap. 28.

Cap. 1. *An act for regulating and ſettling the current rates of gold coin, and of* Britiſh *ſilver coin in this dominion.* — Coin.

3. *An act for erecting a magazine.* — Magazine.

Signed by *Alexander Spotſwood* governor.
Peter Beverley ſpeaker.

At a general aſſembly begun and holden at the capitol, in the city of *Williamsburg*, *Nov.* 2. 1720. (7 *Geo.* I.) ſeſſion 1.

Cap.

Cap. 3. *An act explaining and further declaring what ſhall be accounted a ſufficient ſeating and improvement to ſave lands from lapſing, and for the better recovery of lands lapſed from perſons living out of the country.* } Seating Lands.

5. *An act for the more effectual preventing the tending of Seconds.* } Tobacco Seconds.

Signed by *Alexander Spotſwood* governor.
John Holloway ſpeaker.

At a general aſſembly begun and holden at *Williamsburg*, Nov. 2. 1720. (7 *Geo.* I.) and from thence continued by ſeveral prorogations to the 9th of *May* 1722, (8 *Geo.* I.) ſeſſion 2.

Cap. 2. *An act to oblige ſhips coming from places infected with the plague to perform their quarentine.* } Quarentine

Signed by *Alexander Spotſwood* governor.
John Holloway ſpeaker.

At a general aſſembly ſummoned to be held at *Williamsburg*, *December* 5th 1722. (9 *Geo.* I.) and by writ of prorogation begun and holden *May* 9th 1723, (9 *Geo.* I.)

Cap. 10. *An act for enlarging the juriſdiction of the court of* Huſtings *in the city of* Williamſburg, *within the limits thereof.* } Williamsburg.

Signed by *Hugh Dryſdale* governor.
John Holloway ſpeaker.

At a general aſſembly begun and held at *Williamſburg*, *Febr.* 1. 1727. (1 *Geo.* II.) ſeſſion 1.

Cap. 7. *An act for the better ſecuring the payment of levies, and reſtraint of vagrant and idle people; and for the more effectual diſcovery and proſecution of perſons having baſtard children; and for making better proviſion for the poor.* } Baſtardy.

9. An

9. *An act for the better regulating aud ascertaining the current rates of silver coin within this dominion; and for preventing the evil practice of cutting foreign gold into pieces.*	Coin
10. *An act for prohibiting the exportation of grain in time of scarcity.*	Grain.
11. *An act to explain and amend the act, For declaring the Negro, Mulatto, and Indian slaves, within this dominion, to be real estate;* and part of one other act, entitled, *An act for the distribution of intestates estates, declaring widows rights to their deceased husbands estates; and for securing orphans estates.*	Slaves.

Signed by *William Gooch* governor.
John Holloway speaker.

At a general assembly begun and holden at *Williamsburg*, *February* 1. 1727. (1 *Geo.* II.) and from thence continued by several prorogations to *May* 24. 1730. (3 and 4 *Geo.* II.) session 2.

Cap. 2. *An act for inforcing the act, intituled,* An act for the effectual suppression of vice, and restraint and punishment of blasphemous, wicked and dissolute persons; and for preventing incestuous marriages and copulations	Incest.
4. *An act to prevent the malicious burning tobacco-houses, and other houses and places: For taking away clergy from certain offenders; and for punishing accessories to felonies, and receivers of stolen goods.*	House-burning.
7. *An act for the better regulating the payment of the burgesses wages.*	Burgesses.
10. *An act to disable any sheriff, or other person, to sit as a member of the house of burgesses, who shall accept any office of profit in this colony, after his election; and exempting the members of the house of burgesses from being made sheriffs.*	Burgesses.

11. An

Cap. 11. *An act for the encouraging the making of linen cloth.* — Linen Cloth.

Signed by *William Gooch* governor.
John Holloway ſpeaker.

At a general aſſembly begun and held at *Williamsburg*, February 1. 1727. (1 *Geo.* II.) and from thence continued by ſeveral prorogations to *Auguſt* 22. 1734. (8 *Geo.* II.) ſeſſion 4.

Cap. 6. *An act for amending the act, intituled, An act for ſettling the titles and bounds of lands, and for preventing unlawful ſhooting and ranging thereupon.* — Patents.

9. *An act for more effectually obliging perſons to buy and ſell by weights and meaſures according to the* English *ſtandard.* — Weights & meaſures.

15. *An act for the better ſupport and encouragement of the college of* William *and* Mary *in* Virginia. — Duty on Skins.

Signed by *William Gooch* governor.
Sir *John Randolph* ſpeaker.

At a general aſſembly ſummoned to be held at the capitol in the city of *Williamſburg*, Auguſt 1. 1735. (9 *Geo.* II.) and from thence continued by ſeveral prorogations to *Aug.* 5. 1736. (10 *Geo.* II.) ſeſſion 1.

Cap. 2. *An act to declare who ſhall have a right to vote in the election of burgeſſes, to ſerve in the general aſſembly for counties; and for preventing fraudulent conveyances in order to multiply votes at ſuch elections.* — Burgeſſes.

9. *An act to prevent cutting up tobacco ſuckers.* — Tobacco ſeconds.

13. *An act for confirming and better ſecuring the titles to lands in the Northern Neck, held under the Rt. Honourable* Thomas *lord* Fairfax, *baron of* Cameron, *in that part of* Great Britain *called* Scotland. — Northern Neck.

Cap. 14. *An act for lessening the allowances to witnesses in the county courts; and altering the method of providing for the passage of the Eastern Shore burgesses, to and from the general assembly.* — Burgesses.

24. *An act to confirm the charter of the burrough of* Norfolk, *and for enlarging the jurisdiction of the court of* Hustings *in the city of* Williamsburgh. — Williamsburg.

Signed by *William Gooch* governor.
Sir *John Randolph* speaker.

At a general assembly summoned to be held at the capitol, in the city of *Williamsburg*, August 1. 1735. (9 *Geo.* II.) and from thence continued by several prorogations to *November* 1. 1738. (12 *Geo.* II.) session 2.

Cap. 11. *An act for licensing pedlars, and preventing frauds in the duties upon skins and furrs.* — Pedlars.

14. *An act for the better preservation of the breed of Deer, and preventing unlawful hunting.* — Deer.

22. *An act to prevent the inhabitants of the borough of* Norfolk *from being compelled to serve in the militia of the county of* Norfolk; *and to exempt sailors or seamen in actual pay on board any ship or vessel, from serving in the militia.* — Mariners.

Signed by *William Gooch* governor.
John Robinson junr. speaker.

At a general assembly begun and held at the capitol, in the city of *Williamsburg*, May 6. 1742. (15 *Geo.* II.) session 1.

Cap. 2. *An act for continuing the act, intituled, An act for laying a duty upon slaves, to be paid by the buyers.* — Duties.

Cap. 26.

26. *An act for explaining the charter granted to the city of* Williamſburg; *and for enlarging the juriſdiction of the court of* Huſtings *within the ſaid city.* — Williamsburg.

Signed by *William Gooch* governor.
John Robinſon junr. ſpeaker.

At a general aſſembly ſummoned to be held at the capitol, in the city of *Williamſburg*, May 6. 1742. (15 *Geo.* II.) and from thence continued by ſeveral prorogations, to *Sept.* 4. 1744. (18 *Geo.* II.) ſeſſion 2.

Cap. 1. *An act for the relief of certain creditors.* — Creditors.

2. *An act to explain and amend an act, intituled, An act for the effectual ſuppreſſion of vice, and reſtraint and puniſhment of wicked, blaſphemous and diſſolute perſons.* — Preſentment.

9. *An act for amending an act, intituled, An act for laying an impoſition upon ſkins and furrs, for the better ſupport of the college of* William *and* Mary *in* Virginia. — Duty on Skins.

14. *An act for amending the act, intituled, An act for ſettling the titles and bounds of lands; and for preventing unlawful ſhooting and ranging thereupon.* — Proceſſioning.

Signed by *William Gooch* governor.
John Robinſon junr. ſpeaker.

At a general aſſembly ſummoned to be held at the capitol, in the city of *Williamſburg*, May 6. 1742. (15 *Geo.* II.) and from thence continued by ſeveral prorogations to *February* 20. 1745-6. (19 *Geo.* II.) ſeſſion 3.

Cap. 1. *An act for reducing the laws made for laying a duty on liquors into one act of aſſembly.* — Duty on Liquors.

6. *An act for the better regulating and collecting certain officers fees, and other purpoſes therein mentioned.* — Fees.

Cap. 9. *An act to explain and amend an act, intituled, An act for licensing pedlars, and preventing frauds in the duties upon skins and furrs.* } Pedlars.

12. *An act for the encouragement of making Salt Petre.* } Salt Petre.

Signed by *William Gooch* governor.
John Robinson junr. speaker.

At a general assembly begun and held at the college in *Williamsburg*, October 27. 1748. (22 *Geo.* II.)

Cap. 4. *An act for the better management and security of orphans and their estates.* } Orphans.

5. *An act directing the manner of granting probats of wills, and administration of intestates estates* } Wills.

7. *An act for establishing county courts, and for regulating and settling the proceedings therein.* } County Courts.

8. *An act to prevent frivolous and vexatious suits.* Costs.

10. *An act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein.* } Sheriffs.

11. *An act concerning juries.* Juries.

12. *An act declaring the law concerning executions, and for relief of insolvent debtors.* } Executions

13. *An act directing the method of trial of criminals for capital offences, and for other purposes therein mentioned.* } Criminals.

15. *An act for the better securing the payment of rents, and preventing the fraudulent practices of tenants.* } Rents.

16. *An act for the settlement and regulation of ferries, and for dispatch of public expresses.* } Ferries.

17. *An act concerning seamen.* Mariners.

18. *An act for the better securing the payment of levies, and restraint of vagrants; and for making provision for the poor.* } Poor.

19. *An act directing the duty of surveyors of land.* Surveyors.

Cap. 20.	*An act for preventing trespasses by unruly horses, cattle, hogs, sheep or goats; or by taking away boats or other vessels.*	Fences.
21.	*An act concerning tithables.*	Tithables.
22	*An act to prevent clandestine transportation, or carrying of persons in debt, servants or slaves, out of this colony.*	Passes.
23.	*An act for prevention of abuses in tobacco shipped on freight.*	Freight Tobacco.
25.	*An act prescribing the method for proving book debts.*	Book debts.
26.	*An act concerning water mills.*	Water mills.
27.	*An act for appointing public storehouses, and ascertaining the prices of storage.*	Storehouses.
28.	*An act concerning high-ways, mill-dams and bridges.*	High-ways.
29.	*An act for clearing rivers and creeks.*	Rivers & Creeks.
30.	*An act for regulating ordinaries, and restraint of tippling-houses.*	Ordinaries.
31.	*An act for preventing excessive and deceitful gaming.*	Gaming.
32.	*An act concerning marriages.*	Marriages.
33.	*An act for ascertaining the damages upon protested bills of exchange; and for the better recovery of debts due on promissory notes; and for the assignment of bonds, obligations and notes.*	Bills of Exchange.
34.	*An act for the support of the clergy; and for the regular collecting and paying the parish levies.*	Ministers.
36.	*An act for preventing frauds in the customs, and in clearing; for ascertaining collectors and naval officers fees; and to prohibit and prevent the casting ballast, or dead bodies, into rivers or creeks.*	Duties.
37.	*An act to restrain the taking of excessive usury.*	Usury.

Cap. 38.

Cap. 38.	*An act directing the trial of slaves committing capital crimes; and for the more effectual punishing conspiracies and insurrections of them; and for the better government of* Negro, Mulattoes *and* Indians, *bond or free.*	Slaves.
40.	*An act to restrain the keeping too great a number of horses and mares, and for amending the breed of horses.*	Horses.
41.	*An act against stealing hogs.*	Hog-stealing.
42.	*An act for preventing losses from drivers passing with horses and cattle thro' this colony; and for laying a duty on horses imported, and the more effectual preventing of horse-stealing.*	Cattle.
43.	*An act for repealing several acts of assembly therein mentioned.*	Repeal.
44.	*An act concerning strays.*	Strays.
45.	*An act concerning the public prisons, and directing the methods of appointing the keepers thereof.*	Prisons.
46.	*An act for encouraging adventures in iron works.*	Iron Works.
47.	*An act for regulating the practice of attornies.*	Attornies.
48.	*An act for the encouraging the making tar and hemp.*	Hemp. Tar.
49.	*An act for inspecting pork, beef, flour, tar, pitch and turpentine.*	Beef, *&c.*
50.	*An act for giving a reward for killing wolves.*	Wolves.
51.	*An act for amending the staple of tobacco, and preventing frauds in his majesty's customs.*	Tobacco.
52.	*An act for continuing the act, intituled, An act for reducing the laws made for laying a duty upon liquors into one act of assembly.*	Duty on Liquors.
54.	*An act for rebuilding the capitol in the city of* Williamsburg.	Williamsburg

Cap. 55. *An act for confirming the grants made by his majesty, within the bound of the northern neck.*	Northern Neck.
57. *An act for continuing an act, intituled, An act for the better regulating and collecting certain officers fees, and for other purposes therein mentioned.*	Fees.
77. *An act to empower the trustees of* Leeds *town, to make a causeway thro' the marsh opposite thereto, and for appointing a public ferry.*	Ferries.

Signed by
Sir *William Gooch* Bart. governor.
John Robinson junr. speaker.

At a general assembly begun and held at the college in *Williamsburg*, Feb. 27. 1752. (25 *Geo.* II.)

Cap 1. *An act for reviving the duty upon slaves, to be paid by the buyer, for the term therein mentioned.*	Duty on Slaves.
2. *An act for continuing a clause of an act of assembly therein mentioned.*	Duty on Liquors.
3. *An act for continuing and amending the act, intituled, An act for amending the staple of tobacco, aud preventing frauds in his majesty's customs.*	Warehouses.
4. *An act for erecting a light-house at* Cape Henry.	Light-house.
5. *An act declaring the process and proceedings of the general court between the commencement and repealing of the act, intituled, An act for establishing the general court, and for regulating and settling the proceedings therein to be good and valid.*	Judicial Proceedings.
9. *An act for preventing the importation of madeira wines in casks under the true gauge.*	Madeira Wine.

Cap. 11.	*An act for the further continuing an act, intituled, An act for the better regulating and collecting certain officers fees, and other purposes therein mentioned.*	Fees.
12.	*An act for enlarging the fees for granting licences to pedlars.*	Pedlars.
13.	*An act to oblige the prosecutors of offences not capital, to pay the costs of the prosecution where the defendant shall be acquitted.*	Costs.
16.	*An act to prevent malicious maiming and wounding.*	Maiming.
21.	*An act for encouraging persons to settle on the waters of the* Missisippi.	Missisippi.
38.	*An act for building a bridge over* Pagan Creek, *and for appointing several new ferries.*	Ferries.
40.	*An act for clearing* Appamatox *and* Pamunkey *rivers.*	Rivers and Creeks.
43.	*An act for allowing a free ferry to be kept at* Port Royal.	Ferries.

Signed by *Robert Dinwiddie* esq; governor.
John Robertson speaker.

At a general assembly begun and held at the college in the city of *Williamsburg*, Feb. 27. 1752. (25 *Geo.* II.) and from thence continued by several prorogations, to *Nov.* 1. 1753. (27 *Geo.* II.) session 2.

Cap. 1.	*An act for reducing the several laws made for establishing the general court, and for regulating and settling the proceedings therein into one act of assembly.*	General Court.
3.	*An act for amending the act, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs.*	Warehouses.
4.	*An act for continuing the act, intituled, An act for reviving the duty upon slaves, for the term therein mentioned.*	Duty on Slaves.

Cap. 5.

Cap. 5.	*An act for further continuing certain acts of assembly therein mentioned.*	Duty on Liquors.
6.	*An act for further encouraging persons to settle on the waters of the* Missisippi.	Missisippi.
7.	*An act for the better government of servants and slaves.*	Servants.
9.	*An act for continuing an act, intituled, An act for regulating the practice of attornies.*	Attornies.
13.	*An act for appointing several new ferries.*	Ferries.
22.	*An act for clearing* Mattapany *river.*	Rivers & Creeks.

Signed by *Robert Dinwiddie* esq; governor.
John Robinson speaker.

At a general assembly begun and held at the college in the city of *Williamsburg*, Febr. 27. 1752. (25 *Geo.* II.) and from thence continued by several prorogations to *Feb.* 14. 1754. (27 *Geo.* II.) then held at the capitol in the city of *Williamsburg*, session 3.

Cap. 1.	*An act for the encouragement and protection of the settlers upon the waters of the* Missisippi,	Duties.

Signed by *Robert Dinwiddie* esq; governor.
John Robinson speaker.

At a general assembly begun and held at the college in the city of *Williamsburg*, on *Thursday* the 27th day of *February* 1752. (25 *Geo.* II.) and from thence continued by several prorogations, to *Thursday* the 1st day of *May* 1755. (28 *Geo.* II.) and then held at the capitol in the city of *Williamsburg*, session 6.

Cap. 2.	*An act to explain an act, intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects against the insults and encroachments of the* French, *and for other purposes therein mentioned.*	Duty on Slaves.

Cap. 3.	*An act for continuing so much of the act of assembly, intituled, An act for the encouragement and protection of the settlers upon the waters of* Mississippi, *as relates to the raising and imposing, collecting and paying the duties therein mentioned.*	Duties.
4.	*An act for laying an additional duty on rum, and other distilled spirits, not being of the produce of his majesty's sugar islands.*	Duty on Liquors.
5.	*An act for the further amending an act, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs.*	Warehouses.
6.	*An act for employing, and better maintaining the poor.*	Poor.
7.	*An act to amend an act, intituled, An act declaring the law concerning executions; and for relief of insolvent debtors; and for other purposes therein mentioned.*	Bills of Exchange.
8.	*An act for the prohibiting the inspectors of tar, pitch and turpentine, from purchasing such commodities.*	Beef, *&c.*
10.	*An act for reviving an act, intituled, An act for preserving the breed of sheep.*	Dogs.
11.	*An act for establishing pilots, and regulating their fees.*	Pilots.
12.	*An act for appointing several new ferries.*	Ferries.

Signed by *Robert Dinwiddie* esq; governor.
John Robinson speaker.

At a general assembly begun and held at the college in the city of *Williamsburg*, on Thursday the 27th day of *February* (25 *Geo.* II.) 1752. and from thence continued by several prorogations, to *Aug.* 5. (29 *Geo.* II.) 1755. and then held at the capitol in the city of *Williamsburg*, session 7.

Cap. 1.

Cap. 1.	*An act for raiſing the ſum of forty thouſand pounds, for the protection of his majeſty's ſubjects on the frontiers of this colony.*	Taxes.
5.	*An act to recover his majeſty's quit-rents, collected by the ſheriffs in a ſummary way.*	Quit-rents

Signed by *Robert Dinwiddie* eſq; governor.
John Robinſon ſpeaker.

At a general aſſembly begun and holden at the capitol, in the city of *Williamſburg*, *March* 25. (29 *Geo.* II.) 1756.

Cap. 1.	*An act for raiſing the ſum of twenty five thouſand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purpoſes therein mentioned.*	Taxes.
2.	*An act for amending the ſeveral acts; for making proviſion againſt invaſions and inſurrections, and for amending and explaining an act paſſed this preſent ſeſſion of aſſembly, intituled, An act for raiſing the ſum of twenty five thouſand pounds, for the better protection of the inhabitants of the frontiers of this colony, and for other purpoſes therein mentioned.*	Taxes.
3.	*An act for appointing a treaſurer.*	Treaſurer.
4.	*An act for diſarming Papiſts, and reputed Papiſts, refuſing to take the oaths to the government.*	Papiſts.
6.	*An act to revive and amend an act, intituled, An act for inſpecting pork, beef, flour, tar, pitch and turpentine.*	Beef, *&c.*
10.	*An act for adding certain lands therein mentioned, to the city of* Williamſburg.	Williamſburg.
11.	*An act for appointing a public ferry, and diſcontinuing a former one.*	Ferries.

Signed by *Robert Dinwiddie* eſq; governor.
John Robinſon ſpeaker.

At a general assembly begun and held at the capitol in *Williamsburg*, April 14. 1757. (30 *Geo.* II.) session 3.

Cap. 1.	*An act for granting an aid to his majesty, for the better protection of this colony, and for other purposes therein mentioned.*	Taxes.
3.	*An act for the better regulation and discippling the militia.*	Militia.
4.	*An act for reducing the several acts for making provisions against invasions and insurrections into one act.*	Invasions.
5.	*An act for establishing a trade with the Indians in alliance with his majesty.*	Indians.
6.	*An act for preventing fraudulent gifts of slaves.*	Slaves.
8.	*An act for the more effectual preventing and repelling the hostile invasions of the* Indians *at enmity with the inhabitants of this colony.*	Indians.
9.	*An act for the further continuing and amending an act, intituled, An act for regulating the practice of attornies.*	Attornies.
10.	*An act for appointing several new ferries, and for other purposes therein mentioned.*	Ferries.
12.	*An act to explain an act, intituled, Vestries appointed.*	Vestries.
13.	*An act for further continuing certain acts of assembly therein mentioned.*	Duties.
14.	*An act for continuing the act, intituled, An act for laying an additional duty on rum, and other distilled spirits, not being of the produce of his majesty's sugar islands.*	Duty on Liquors.
25.	*An act to impower the justices of the county of* Norfolk, *to agree with persons to keep certain ferries, and to levy the expence thereof upon the inhabitants of the said county.*	Ferries.

Signed by *Robert Dinwiddie* governor.
John Robinson speaker.

A TA-

A TABLE

Shewing the several Assemblies that have been called from the first day of *January* 1661, till the first day of *January* 1758, with their several sessions, and the number of laws passed in each; and by what governors and speakers.

Day, Mon	Year of Lord.	Year of the king.	Assemb.	Ses	N. of Acts	Governor.	Speaker.
13 March	1661	13 Car. 2.	I	1	138	Fr. Moryson esq;	Rob. Wynne esq;
2 Dec.	1662	14 -- ---	- - -	2	23	Sir Wm. Berkeley	
10 Sept.	1663	15 -- - -	- - - -	3	18		
20 Sept.	1664	16 -- - -	- -	4	9		
10 Octob.	1665	17 -- - -	- -	5	10		
5 June	1666	18 ------	II	1	4		
23 Octob.	-----	-- -- ---	- -	2	24		
23 Sept.	1667	19 --- --	III	1	7		
17 Sept.	1668	20 --- --	- -	2	9		
20 Octob.	1669	21 ------	- -	3	9		
3 Octob.	1670	22 ------	- -	4	12		
20 Sept.	1671	23 -- ---	- -	5	7		
24 Sept.	1672	24 -- ---	- -	6	10		
20 Octob.	1673	25 -- ---	- -	7	7		
21 Sept.	1674	26 -- - -	- -	8	10		
7 March	1675	28 -- ---	- -	9	4	- - - - -	Aug. Warner esq;
5 June	1676	-- -- ---	IV	1	20	- - - - -	Th. Godwin esq;
20 Feb.	-----	29 --- --	V	1	20	- - - - -	Aug. Warner esq;
10 Octob.	1677	-- -----	VI	1	12	Her. Jeffreys esq;	Wm. Travers esq;
25 April	1679	31 -----	VII	1	11	Sir Hen. Chichely	Matt. Kemp esq;
8 June	1680	32 -- --	VIII	1	17	Lord Culpepper	Tho. Ballard esq;
10 Nov.	1683	34 -- --	IX	1	13		
16 April	1684	36 -- --	X	1	9	Lord Effingham	Edward Hill esq;
20 Octob.	1686	1 Jac. 2.	- -	2	11	- - - - -	Arthur Allen esq;
16 April	1691	3 W.M.	XI	1	21	Fr. Nicholson esq;	Tho. Milner esq;
1 April	1692	4 -----	- -	2	7		
2 March	-----	5 -----	XII	1	7	Sir Edm. Andros	
10 Octob.	1693	-- -- --	XIII	1	5		
18 April	1695	7 -- --	XIV	1	6	- - - - -	Ph. Ludwell esq;
24 April	1696	8 -- --	XV	1	14	- - - - -	Rob. Carter esq;
21 Octob.	1697	9 -- --	- -	2	1		
28 Sept.	1698	10 Wil. 3	XVI	1	--	- - - - -	W. Randolph esq;
27 April	1699	11 -- --	XVII	1	16	Fr. Nicholson esq;	Rob. Carter esq;
5 Dec.	1700	12 -- --	XVIII	1	4	- - - - -	Pet. Beverley esq;
6 Aug.	1701	13 -- --	- -	2	6		
30 May	1702	14 - --	- -	3	3		

Note. Francis Moryson esq; was deputy-governor in the absence of Sir William Berkley.

Day, Mon.	Year of Lord.	Year of the king.	Assembly.	Ses	N. of Acts.	Governor.	Speaker.
14 Aug.	1702	1 Ann	XIX	1	4		
19 March	- -	2 -	XX	1	- -		
20 April	1704	3 -	- -	2	13		
18 April	1705	4 -	- -	3	5		
25 Octob.	- -	- -	XXI	1	55	Edw. Nott, esq;	Ben. Harrison esq;
25 Octob.	1710	9 -	XXII	1	17	Al. Spotswood esq;	Pet. Beverley esq;
7 Nov.	1711	10 -	- -	2	5		
22 Octob.	1712	11 -	XXIII	1	7		
5 Nov.	1713	12 -	- -	2	12		
16 Nov.	1714	1 Geo. 1	XXIV	1	5		
3 Aug.	1715	2 -	XXV	1	3	- - - -	Dan. M'Carty esq;
23 April	1718	4 -	XXVI	1	4		
11 Nov.	- -	- -	- -	2	2		
2 Nov.	1720	7 -	XXVII	1	18	- - - -	Jo. Holloway esq;
9 May	1722	8 -	- -	2	16		
9 May	1723	9 -	XXVIII	1	15	Hu. Drysdale esq;	
12 May	1726	12 -	- -	2	14		
1 Feb.	1727	1 Geo. 2	XXIX	1	22	Wm. Gooch esq;	
21 May	1730	3 & 4	- -	2	29		
18 May	1732	5 & 6	- -	3	35		
22 Aug.	1734	8 -	- -	4	31	- - - -	Sir John Randolph
5 Aug.	1736	10 -	XXX	1	25		
1 Nov.	1738	12 -	- -	2	25	- - - -	Jo. Robinson esq;
22 May	1740	13 -	- -	3	15		
6 May	1742	15	XXXI	1	33		
4 Sept.	1744	18 -	- -	2	46		
20 Feb.	1745	19 -	- -	3	20		
11 July	1746	20 -	- -	4	2		
30 March	1747	- -	- -	5	5		
27 Octob.	1748	22 -	XXXII	1	89		
27 Feb.	1752	25 -	XXXIII	1	53	R. Dinwiddie esq;	
1 Nov.	1753	27 -	- -	2	28		
14 Feb.	1754	- -	- -	3	3		
22 Aug.	- -	28 -	- -	4	3		
17 Octob.	- -	- -	- -	5	7		
1 May	1755	- -	- -	6	24		
5 Aug.	- -	29 -	- -	7	8		
27 Octob.	- -	- -	- -	8	6		
26 March	1756	- -	XXXIV	1	13		
March	1757	30 -	- -	2	30		

AN

AN EXACT ABRIDGEMENT OF ALL THE ACTS OF ASSEMBLY IN FORCE AND USE.

ABATEMENT.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 20.

Sect. I. IN all perſonal actions, where the declaration ſets forth ſufficient matter of ſubſtance for the court to proceed on the merits of the cauſe, the ſuit ſhall not abate for want of form.

II. On a plea in *abatement* being adjudged inſufficient, the plaintiff ſhall recover againſt the defendant full coſts, to the time of over-ruling ſuch plea, including the coſts of that court, a lawyer's fee excepted.

III. 22 *Geo.* II. (1748) *cap.* 8. *ſect.* 5. In all actions where the plaintiff dies between an interlocutory and final judgment, ſuch action ſhall not abate, if it might be originally maintained by ſuch plaintiffs, executors or adminiſtrators; and if the defendant dies after ſuch interlocutory judgment, if originally maintainable againſt the executors or adminiſtrators, the plaintiff, his executors or adminiſtrators, may have a *ſcire facias* againſt the defendant, his executors or adminiſtrators, as the caſe is, to ſhew cauſe why damages ſhould not be aſſeſſed and recovered. And if ſuch defendant, or his executors or adminiſtrators, appear, and ſhew no cauſe, or fail to appear, being returned, warned, or two *nihils* returned, a writ of enquiry ſhall be awarded and executed, and judgment final be given.

IV. And

IV. And if there be two or more plaintiffs or defendants, and one or more of them die, and the cauſe of action ſurvives to the plaintiff, or againſt the defendant living, it ſhall not abate.

V. And in all actions real, perſonal and mixed, if either party dies between verdict and judgment, judgment ſhall be entered as if both parties were living.

VI. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 24. On a plea in abatement being over-ruled in the general court, the plaintiff ſhall recover coſts, as in *ſect.* 2.

VII. No plea in abatement, or *non eſt factum,* ſhall be received without an affidavit of the truth of it.

ACCESSORIES.

3 and 4 *Geo.* II. (1730) *cap.* 4. *ſect.* 6.

Sect. I. IF any principal offender be convicted of felony, ſtands mute, or peremptorily challenges above twenty jurors, any acceſſory before or after the fact, may be proceeded againſt, as if ſuch principal felon had been attainted; notwithſtanding he ſhould have his clergy, be pardoned, or otherwiſe delivered, before attainder: And ſuch acceſſory ſhall ſuffer on conviction, ſtanding mute, or peremptorily challenging above twenty jurors, as if the principal had been attainted.

II. Any perſon buying or receiving ſtolen goods, knowing them to be ſtolen, may be proſecuted and puniſhed by fine and impriſonment, as for a miſdemeanour, altho' the principal felon be not convicted, which ſhall exempt the offender from being puniſhed as acceſſory, if the principal ſhall afterwards be convicted.

III. 22 *Geo.* II. (1748) *cap.* 42. Any perſon that ſhall receive or buy any horſe feloniouſly ſtolen, knowing the ſame to be ſo, ſhall be taken as acceſſory to the ſaid felony; and being thereof legally convicted, by the teſtimony of one or more credible witneſſes, ſhall ſuffer death, as a felon-convict.

IV. Provided, if ſuch principal felon cannot be taken, ſo as to be convicted of any ſuch offence; yet every perſon buying or re-

ceiving any horses stolen by such principal felon, knowing the same to be stolen, may be prosecuted and punished as for a misdemeanour, by fine and imprisonment, or other such corporal punishment, as the court shall think fit to inflict, altho' the principal felon be not before convict of the said felony, which shall exempt the offender from being punished as accessory, if such principal felon be afterwards taken and convicted.

ACCOUNT.

22 *Geo.* II. (1748) *cap.* 5. *sect.* 37.

Sect. I. ACTIONS of account shall, and may be brought, and maintained against the executors or administrators of every guardian, bailiff and receiver; and also, by one joint tenant, or tenant in common, his executors or administrators, against the other, as bailiff, for receiving more than comes to his just share or proportion, and against the executor or administrator of such joint tenant, or tenant in common.

ADMINISTRATION.

22 *Geo.* II. (1748) *cap.* 5. *sect.* 5.

Sect. I. THE right of administration to any intestate's estate, shall be determined in the court of that county where such intestate's mansion-house, or place of residence was; which court shall grant a certificate for obtaining letters of administration thereon: And if such intestate had no mansion-house, or place of residence, then the certificate for obtaining administration, shall be granted by the court of that county where such intestate died, and no other.

II. If any executor or administrator dies intestate, not having fully administred the estate of his testator or intestate, the same court by whom certificate for probat or administration was granted to such executor, shall determine the right of administration of the estate not administred, and grant certificate thereof.

III. Where any perſon ſhall die inteſtate, or the executors ſhall all refuſe to execute the will of the deceaſed, and the county court as aforeſaid ſhall grant certificate for obtaining adminiſtration on ſuch inteſtate's eſtate, or adminiſtration, *cum teſtamento annexo*, on ſuch teſtator's eſtate, firſt to the huſband or wife of the deceaſed; if none ſuch, or they refuſe, then to the child or children, or their legal repreſentatives; if none ſuch appear, or claim, then to the father and mother; if none ſuch, then to the brothers and ſiſters; if none ſuch, then to the next of kindred to the deceaſed perſon.

IV. If no will be offered, or adminiſtration ſued forth, before or at the next court, held after the expiration of thirty days from any perſon's deceaſe, the county court may grant adminiſtration to any creditor or creditors of the deceaſed ſuing for the ſame, or to any other perſon the court ſhall think fit.

V. Provided, where it ſhall appear to the court of their own knowledge, or on application of the creditors or legatees, that any eſtate is likely to be waſted or imbezzled, ſuch court may immediately grant certificate for obtaining adminiſtration thereof.

VI. Before a certificate for obtaining an adminiſtration ſhall be granted, the adminiſtrator ſhall take the following oath.

The OATH of an ADMINISTRATOR.

YOU ſhall ſwear, *That* A. B. *deceaſed, died without any will, as far as you know or believe; and that you will well and truly adminiſter all and ſingular the goods, chattels and credits of the ſaid deceaſed, and pay his debts, as far as his goods, chattels and credits will thereunto extend, and the law require you; and that you will make a true and perfect inventory of all the ſaid goods, chattels and credits; as alſo a juſt account when thereunto required.*

So help you God.

And ſhall alſo give bond in a ſufficient ſum, proportionable to the full value of the eſtate at leaſt, and with ſufficient ſecurity of perſons reſiding in the ſame, or any other county, as by the court ſhall be approved of, with the condition following, *to wit*,

The

The CONDITION *of an Administration Bond.*

THAT if the above bound *A. B.* administrator of all the goods, chattels, and credits of *C. D.* deceased, do make, or cause to be made, a true and perfect inventory of all and singular the goods, chattels and credits of the said deceased, which have or shall come to the hands, possession or knowledge of him the said *A. B.* or into the hands or possession of any other person or persons for him; and the same so made, do exhibit, or cause to be exhibited into the county court of *N.* at such time as he shall be thereto required by the said court; and the same goods, chattels and credits, and all other the goods, chattels and credits of the said deceased, at the time of his death, which at any time after shall come to the hands or possession of the said *A. B.* or into the hands or possession of any other person or persons for him, do well and truly administer, according to law; and further, do make a just and true account of his actings and doings therein, when thereto required by the said court: And all the rest and residue of the said goods, chattels and credits which shall be found remaining upon the said administrator's account, the same being first examined, and allowed by the justices of the court, for the time being, shall deliver and pay unto such person or persons respectively, as the said justices by their order or judgment shall direct, pursuant to the laws in that case made and provided. And if it shall hereafter appear, that any last will and testament was made by the said deceased, and the executor or executors therein named, do exhibit the same in the said court, making request to have it allowed and approved accordingly; if the said *A. B.* being thereunto required, do render and deliver up his letters of administration, approbation of such testament being first had and made in the said court: Then this obligation to be void; otherwise to remain in full force and virtue.

Which bond shall be payable to the justices of the court, sitting at the time the same shall be entered into and taken, and their successors, and shall not become void upon the first recovery, but may be put in suit, and prosecuted from time to time,

by, and at the costs of any party injured, until the whole sum of the penalty expressed in such bond shall be recovered thereon.

VII. If any court shall grant certificate for obtaining administration of the estate of any person deceased, without taking good security for the same; the justices granting such certificate, shall be answerable for all loss and damage accruing for want of such security, recoverable by action at the common law, by any person or persons injured.

VIII. Provided, that if the securities taken by the court were good at the time of being so taken, but afterwards become insolvent, the justices shall not be answerable.

IX. All commissions of administration, issued upon certificates granted according to this act, and signed by the governor or commander in chief, with the colony seal affixed, or signed by such other person or persons, being one or more of the magistrates in commission of the peace, as shall be thereto authorized by the said governor or commander in chief, and sealed with the seal of the court, granting certificate (which seal every county court is impowered to provide at the charge of the county) shall be good and effectual in law, to enable the administrators therein named, and every one of them to possess themselves of the estates of their intestates, by any lawful ways or means whatsoever.

X. The clerk of every county court shall in *April* and *October* annually, return to the secretaries office, a list of all certificates for obtaining probats or administrations granted by such court, containing the names of the testators, or intestates, their executors or administrators, and the names of the securities; which lists the secretary shall cause to be recorded in his office alphabetically, in books for that purpose.

XI. Where any decedent shall leave an estate real or personal, of the value of one hundred pounds current money, or upwards, the general court may hear and determine the right of administration, and grant certificate for obtaining administration in the same manner, and with the same rules and limitations as herein before is directed in the country courts, and all commissions of

administra-

adminiſtration granted upon certificates obtained in the general court, ſhall iſſue under the ſeal of the colony, and be ſigned by the governor, commander in chief, or preſident of the council, or ſuch judge or judges of the ſaid court, as ſhall be commiſſioned for that purpoſe by the governor or commander in chief, which ſhall be good and effectual in law, to enable the adminiſtrators therein named, to recover and take the eſtate of their inteſtates ſo to them committed; and the forms of all oaths and bonds required by this act of adminiſtrators, ſhall be the ſame in the general court as in the county courts.

XII. Provided, where the general court ſhall grant certificate for obtaining adminiſtration of any eſtate, and fails to take ſufficient ſecurity for the ſame, the members of ſuch court, granting ſuch certificate, ſhall be liable to pay ſuch loſs and damage as ſhall accrue by reaſon of ſuch failure, in the ſame manner as the juſtices of the county court in the like caſe ſhould have been.

ADULTERY and FORNICATION.

4 *Ann* (1705) *cap.* 30. *ſect.* 8.

§ I. EVERY perſon, not a ſervant or ſlave, convicted of adultery or fornication, by the oaths of two or more credible witneſſes, or confeſſion, ſhall, for every offence of adultery, pay one thouſand pounds of tobacco and caſk; and of fornication, five hundred pounds of tobacco and caſk, to be recovered by the church-warden or church-wardens of the pariſh where the offence was committed; or on non-payment, or giving ſecurity for payment at the next pariſh levy after conviction, ſhall receive twenty five laſhes at the public whipping poſt.

ALIENS.

32 *Car.* II. (1680) *cap.* 2.

§ I. THE governor or commander in chief, by a public inſtrument, under the ſeal of the colony, may declare any alien or aliens already ſettled, or that ſhall come to ſettle here,

having

having firſt taken the oath of allegiance before him, to be, to all intents and purpoſes, completely naturalized; and ſuch aliens ſo approved of, and named in the letters patents as aforeſaid, ſhall, by virtue of this act, enjoy to them and their heirs, the ſame immunities and rights of and to the laws and privileges of this colony, and as fully and amply as any of his majeſty's natural born ſubjects, and as if they themſelves had been born within any of his majeſty's realms or dominions. (*See ſect.* 5.)

II. The governor or commander in chief, ſhall receive for the ſame, forty ſhillings; and his clerk for writing it, ten ſhillings, and no more. (*Sect.* 5.)

III. Every perſon who ſhall have bought of any alien, any lands, houſes or tenements, ſhall, by virtue of this act, be for ever confirmed in the quiet and peaceable poſſeſſion of the ſaid purchaſe, to them and their heirs for ever. (*See ſect.* 5.)

IV. Provided nothing in this act ſhall enable any foreigner to do or execute any matter or thing, which by any of the acts made in *England* concerning his majeſty's plantations, he is diſabled to do or execute. (*Sect.* 5.)

Note. This act was brought over by the lord *Culpepper*, under the great ſeal of *England*, with full power to give the royal aſſent to it, and paſſed the aſſembly unanimouſly; therefore could not be repealed by the *act* 4. *Ann*, *chap*. 45.

V. 4 *Ann*, *chap*. 45. This act is almoſt *verbatim* the ſame as the former, except, that this directs, that the aliens ſhall take the oaths to the government ſince appointed by authority of parliament; and there being the ſame clauſes in this as *ſect*. 3. all purchaſes from aliens, made before this latter act, are thereby confirmed.

APPEALS.

22 *Geo*. II. (1748) *cap*. 7. *ſect*. 27.

Sect. I. NO appeal ſhall be allowed for reverſing any judgment or decree of any county or inferior court, where the debt, damages, or other matter recovered, excluſive of

of costs, shall not exceed ten pounds current money, or two thousand pounds of tobacco, or the value thereof, unless in such suit the title or bounds of land be drawn in question.

II. Defendant or tenant appealing, shall give bond and security to prosecute his appeal with effect, and perform the judgment of the general court, and pay damages to the apellee, if the judgment or decree be affirmed.

III. If plaintiff or demandant appeals, the special bail in the county, or inferior court, shall be bound to answer the judgment of the general court; and such apellant shall give bond with security in twenty pounds, to prosecute his appeal with effect, which, if he does not appear and prosecute, the same shall be forfeited to the defendant or appellee.

IV. 27 *Geo.* II. (1753) *cap.* 1. *sect.* 13. All appeals in chancery, shall be made to the third day of the next general court; and in common law-suits, from *Henrico, Chesterfield, Prince George, Dinwiddie, Surrey, Isle of Wight, Southampton, Nansemund, Norfolk, Princess Ann, Albemarle, Amelia, Brunswick, Goochland, Cumberland, Halifax* and *Lunenburg*, to the eighth day: From *James' City, Charles' City, New Kent, Warwick, Elizabeth City, York, Hanover* and *Louisa*, to the ninth day: From *Gloucester, King William, King and Queen, Middlesex, Essex, Caroline, Augusta, Spotsylvania* and *Orange*, to the tenth day: From *Richmond, Westmoreland, Northumberland, Stafford, Lancaster, Fairfax, Frederick, King George, Culpepper*, and *Prince William*, to the eleventh day: And from *Accomack*, and *Northampton*, to the twelfth day, and no other. From corporation courts, to the same day as the county where situate; and all writs of error, *Supersedeas* and *Certiorari*, shall be returnable to the same day, as appeals from their respective counties, where directed: And the clerk of the court shall regulate his docket accordingly, proportioning the suits to such of the said days, as will be most convenient.

V. *Sect.* 25. Any person or persons, bodies politic or corporate, may appeal from the judgment, decree or sentence, of any other court, in any cause whatsoever, to the general court, where

the

the debt, damages, or other matter recovered, exclusive of costs, exceeds the value of ten pounds current money, or two thousand pounds of tobacco; or where the title or bounds of land are drawn in question, in which appeals, the appellants may assign errors in manner hereafter expressed, and not otherwise, *i. e.* in personal actions where the judgment, *&c.* shall not exceed twenty pounds current, or four thousand pounds of tobacco, no error shall be assigned to reverse the same, other than errors in matter of right; and if the judgment, *&c.* on hearing the appeal, appears to have been rightly given, the same shall be affirmed notwithstanding any mispleading, or error in matter of form; and where such judgment, *&c.* exceeds that value, and shall not exceed fifty pounds current, or ten thousand pounds of tobacco, no error shall be assigned to reverse the same, other than errors in matter of right, and such errors in the form of the proceedings, as were insisted upon, in the court from whence the appeal was made; and if the errors so assigned shall not be sufficient to reverse it, the same shall be affirmed. And in all personal actions, suits in chancery, informations, or other controversies of greater value than fifty pounds current, or ten thousand pounds of tobacco; and in all real actions, of what value soever, any error may be assigned, either of form or substance.

VI. Where the defendant in any personal or mix'd action appeals, and the judgment, *&c.* is affirmed, the damages shall be fifteen *per cent.* on the principal sum, and costs recovered in the county or inferior court.

VII. In any real action the damages shall be two thousand pounds of tobacco, over and above all costs, charges and damages, awarded by the inferior court.

VIII. Where the plaintiff or demandant appeals, and the judgment *&c.* is affirmed, he shall pay the defendant fifty shillings, or five hundred pounds of tobacco, besides all costs accruing on such appeal.

IX. No appeal or supersedeas shall be granted in any suit where the debt, damages, or other matter recovered, is of less value than ten pounds current, or two thousand pounds of tobacco, exclu-

sive

ſive of coſts, unleſs in ſuch ſuit the title or bounds of land be in queſtion; nor ſhall any appeal, writ of error, or ſuperſedeas, be granted, until a final judgment or decree in the county or inferior court.

APPEARANCE.

27 *Geo.* II. (1753) *cap.* 1. *ſect.* 15.

Sect. I. WHEN any writ iſſues from the general court in any perſonal action, and no debt or damages are mentioned; or if bail is not by law requirable, the ſheriff may take the engagement of any attorney practiſing there, under his hand, endorſed on ſuch writ, that he will appear for the defendant, or defendants therein, according to the return; and ſuch appearance ſhall be entred with the clerk in the ſecretary's office, on the ſecond day after the general court, to which it is returnable, which is declared the day of appearance, to all common law or chancery proceſs, returnable to the preceding court; and on failure, ſuch attorney ſhall pay the plaintiff, or plaintiffs, fifty ſhillings, for which judgment ſhall be immediately entred, and the plaintiff may take a *caſa* or *fifa* thereon.

APPRAISEMENT.

22 *Geo.* II. (1748) *cap.* 5. *ſect.* 25.

Sect. I. EVERY court granting probat or adminiſtration, ſhall appoint three or more appraiſers, in every county where any of the teſtators or inteſtates ſlaves, goods or chattels, ſhall be, who being ſworn before any juſtice of the county, truly and juſtly to value the eſtate to them produced, to the beſt of their judgment, ſhall appraiſe the ſame, and return ſuch appraiſement under their hands, to the court ordering the ſame; and every appraiſer ſhall be paid thirty pounds of tobacco *per* day, out of the eſtate, to be allowed the executor or adminiſtrator, on paſſing his account, which appraiſement may be given in evidence in any ſuit to be brought againſt the executor or adminiſtrator;

to prove the value of the eſtate, but ſhall not be binding where it ſhall appear by any other legal proof, that the ſlaves, goods and chattels were really worth, or *bonâ fide*, ſold for more or leſs than the appraiſement.

II. Provided alſo, if any perſon by his will ſhall direct, that his goods ſhall not be appraiſed, or ſhall be preſerved in ſpecie, and not ſold; and ſhall leave perſonal eſtate more than ſufficient to pay all his debts, ſuch will ſhall be obſerved, and the returning an inventory of the eſtate of ſuch teſtator without appraiſement, ſhall be ſufficient.

APPRENTICES.

22 *Geo.* II. (1748) *cap.* 4. *ſect.* 10.

§ I. IF any orphan's eſtate is of ſo ſmall value, that no perſon will maintain him or her for the profits; ſuch orphan ſhall, by the courts direction, be bound apprentice, every male to ſome tradeſman, merchant, mariner, or other perſon approved of by the court, until the age of twenty one years: and every female, to ſome ſuitable trade or employment, until the age of eighteen; and the maſter or miſtreſs of every ſuch orphan, ſhall provide for him or her fit and neceſſary diet, cloaths, lodging and accommodations, and teach ſuch orphan to read and write; and at the expiration of the apprenticeſhip, make him or her the like allowance as to ſervants by indenture, or cuſtom; and on refuſal, to be compelled thereto in like manner: And the county court, on proof of ſuch apprentice being ill uſed, or not taught the trade or profeſſion to which he or ſhe was bound, may remove, and bind him or her to any other perſon.

II. 22. *Geo.* II. (1748) *cap.* 18. *ſect.* 7. Where any perſon ſhall by the court of the county, be adjudged incapable to ſupport and bring up their child, or children, in honeſt courſes; or where it ſhall appear to the court, that he, ſhe or they, neglect to take care to educate and inſtruct ſuch child, or children, in Chriſtian principles, the church-wardens of the pariſh where ſuch child, or children inhabit, by order of the ſaid court, may bind out ap-

prentices

prentices such child, or children, in the same manner, and under such covenants and conditions, as the law directs for poor orphan children.

III. 27 *Geo.* II. (1753) *cap.* 7. *sect.* 27. Every person hereafter bound by indentures, to serve as an apprentice in any trade, art, mystery or occupation, with the consent and approbation of any court of record here, tho' within the age of twenty one years, shall serve the full time in such indenture, as fully as if such apprentice were of full age at the time of making the same.

ASSEMBLY.

4 *Ann*, (1705) *chap.* 28. *sect.* 2.

§ I. THIS present, or any other general assembly, shall not determine, or be dissolved, by the death or demise of her majesty, her heirs, or successors, but may meet, convene and sit according to the writs, or summons, during six months, and no longer, unless sooner prorogued or dissolved. And if the assembly be so prorogued, it shall (notwithstanding such demise) meet and sit on the day to which it shall be prorogued, for the residue of the said time of six months, unless sooner prorogued, or dissolved, as aforesaid.

II. Provided, nothing herein shall extend to alter or abridge the power of the governor, lieutenant-governor, or commander in chief, or president and council, to prorogue or dissolve any assembly within the said six months, or at any other time; nor to limit them, or any of them, in the execution of any instructions, he or they shall receive from the succeeding king or queen, relating to the prorogation or dissolution of assemblies.

ASSIGNMENT.

22 *Geo.* II. (1748) *cap.* 33. *sect.* 7.

§ I. ANY person may assign and transfer any bond or bill for debt, or any note for payment of any sum of money, or quantity of tobacco, and the assignee or assignees, his

and their executors and administrators, may commence and prosecute any suit at law, in his, her, or their own name or names, for the recovery of any debt, due by such bond, bill or note, as the first obligee, his executors and administrators, might or could lawfully do. Provided, in any such suit, the plaintiff shall allow all discounts that the defendant can prove, either against the plaintiff himself, or against the first obligee, before notice of such assignment was given to the defendant.

ATHEISM.

4 *Ann*, (1705) *cap*. 30.

§ I. IF any person brought up in the Christian religion, shall, by writing, printing, teaching, or advised speaking, deny the being of a God, or the holy Trinity, or assert or maintain there are more gods than one, or deny the Christian religion to be true, or the holy scriptures of the Old and New Testament to be of divine authority; and be thereof lawfully convicted, upon indictment, or information, in the general court, such persons for the first offence, shall be disabled to hold any office, or employment, ecclesiastical, civil or military, or any profit or advantage therefrom; and every such office or employment held by such person, at the time of his, or her conviction, is hereby declared void: And every such person, upon a second conviction, of any of the crimes aforesaid, in manner aforesaid, shall from thenceforth, be disabled to sue in any court of law or equity, or to be guardian to any child, or executor or administrator of any person, or capable of any gift or legacy, or to bear any office, civil or military, for ever within this colony, and shall also suffer from the time of such conviction, three years imprisonment, without bail or mainprize.

II. Provided, no person shall be prosecuted by virtue of this act, for any words spoken, unless information upon oath be given in, of the words, before one or more justice or justices, within one month after such words spoken, and the prosecution of such offence be within twelve months after such information.

III. Provided alſo, if any perſon convicted the firſt time, of all, or any the crimes aforeſaid, ſhall within ſix months after ſuch conviction, make a public acknowledgment and renunciation of ſuch offence, or erroneous opinions, in the ſame court, where ſuch conviction was; then ſuch perſon ſhall be thence diſcharged from all penalties and diſabilities incurred by ſuch conviction.

IV. 3 and 4 *Geo.* II. (1730) *cap.* 2. *ſect.* 4. The above offences ſhall be tried, heard and determined, in the general court only; and when any ſuch offence, ſhall be preſented by the church-wardens, or grand juries, in any county court, the juſtices thereof, ſhall cauſe the offender to enter into recognizance, with one or more ſufficient ſecurities, to appear at the next general court; and ſhall cauſe the record of the ſaid recognizance, and preſentment, with the names of the perſons, on whoſe information the ſame was made to be timely returned to the ſecretary's office, in order to be proſecuted.

ATTACHMENT.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 6.

§ I. ANY juſtice on complaint that a debtor is privately removing out of the county, or abſconds, ſo that proceſs cannot be ſerved on him, may grant an attachment againſt ſuch debtor's eſtate, or to the value of the creditor's debt, and coſts returnable, if the demand is of the value of twenty five ſhillings current, or two hundred pounds of tobacco, to the next county court, to be directed and ſerved by the ſheriff, or under-ſheriff, and where the ſheriff is intereſted, the coroner who ſhall ſerve the ſame, on the ſlaves, goods and chattels of the debtor, or in the hands of any perſon indebted to, or having any effects of ſuch debtor in his hands, and ſhall ſummon ſuch garniſhees to appear at ſuch next court, to anſwer upon oath, what they are indebted to, and what effects of ſuch debt they have, or had, at the time of ſuch attachment, ſerved in their hands; which being returned executed, the court may compel ſuch garniſhee to appear and anſwer.

II. Pro-

II. Provided, ſuch juſtice, before granting ſuch attachment, take bond and ſecurity of the party praying the ſame, in double the ſum to be attached, payable to the defendant, for paying all coſts to be awarded him, if the plaintiff be caſt in his ſuit; and alſo, all damages to be recovered againſt ſuch plaintiff, for his ſuing out ſuch attachment, which bond ſuch juſtice ſhall return to the ſaid court, and the defendant may bring ſuit, and recover thereon: And every attachment iſſued without ſuch bond taken, or where no bond ſhall be returned, ſhall be diſmiſſed, and held illegal and void.

III. Provided alſo, all attachments ſhall be repleviable by appearance, and ſpecial bail, if ruled ſo by the court; or by giving bond with good ſecurity to the officer ſerving the ſame, to appear, and abide by, and perform the order and judgment of the court, to which the ſame is returnable.

IV. The officer taking ſuch bond and ſecurity, ſhall return the name of ſuch ſecurity; and if he be adjudged inſufficient by the court, and the defendant fails to appear, and give ſpecial bail, if ruled thereto, ſuch ſheriff and ſecurity, ſhall be ſubject to the ſame judgment and recovery, and have the ſame liberty of defence and relief, as if ſuch ſecurity had been taken on the execution of *meſne* proceſs.

V. Any creditor whoſe debt does not exceed five pounds current, or one thouſand pounds of tobacco, may go before any juſtice of the county where his debtor reſides, and make oath how much is juſtly due to him; and that he has grounds to ſuſpect, and verily believes, ſuch debtor intends to remove his effects: Whereupon, ſuch juſtice ſhall iſſue an attachment againſt the eſtate of ſuch debtor, returnable to his next county court, directed to all ſheriffs and conſtables in *Virginia*; by which the ſheriff, or any conſtable of that county, as well as of any other, may purſue and ſeize ſuch effects, and return ſuch attachment to the court where returnable; on which ſuch proceedings ſhall be had, without a petition, as in other caſes of attachment.

VI. On complaint to a juſtice, that any perſon indebted to the plaintiff under twenty five ſhillings current, or two hundred

pounds

pounds of tobacco, is removing, or abſconds, as aforeſaid, ſuch juſtice, taking bond and ſecurity as before directed, may grant an attachment againſt ſuch debtor's eſtate, to the value of the debt and coſts, directed to the ſheriff, or any conſtable of his county, returnable before himſelf, or any other juſtice thereof, who ſhall proceed thereon, as on an attachment returnable to the county court.

VII. If any attachment be returned executed, and the effects be not replevied as aforeſaid, the plaintiff ſhall be entitled to a judgment for his whole debt, and may take execution thereon; and the effects attached ſhall be ſold towards ſatisfaction of the plaintiff's judgment, as goods taken in execution by a *fieri facias*.

VIII. And where any attachment is returned ſerved, in the hands of any garniſhee, on his appearance and examination as aforeſaid, judgment may be given, and execution awarded againſt him, for all money or tobacco due from him, or in his cuſtody or poſſeſſion, or ſufficient thereof to ſatisfy the plaintiff's debt and coſts; and all effects in ſuch garniſhee's hands, belonging to ſuch debtor, ſhall be liable to ſatisfy ſuch judgment.

IX. Where any ſheriff returns on any proceſs, in any civil action, that the defendant, is not to be found within his bailiwick, the plaintiff may ſue out an attachment againſt the eſtate of ſuch defendant returnable, as original or ſubſequent proceſs, to force an appearance, or an *alias*, or *pluries capias* at his election: And if the ſheriff returns any goods by him attached, the plantiff ſhall file his declaration, and have judgment for his whole debt, and the goods attached ſhall remain in the ſheriff's cuſtody, until ſuch judgment, and then be ſold, as goods taken in execution, by a *fieri facias*; and if the judgment be not ſatisfied thereby, the plaintiff may have an execution for the reſidue.

X. Provided, all goods ſo attached, may be replevied by the defendant's giving bond and ſecurity to the officer as on execution of *meſne* proceſs, or by his appearance, and putting in good bail, if ruled to ſpecial bail by the court.

XI. 22. *Geo.* II. (1748) *cap.* 15. *ſect.* 7. Where any landlord ſuſpects his tenant will remove with his effects, out of the county, before

before the expiration of his term, he may go before any juſtice of the county where the land lies, and make oath what rent the tenant is to pay, when the ſame will be due, and that he verily believes ſuch tenant will remove his effects out of the county, before the time of payment; whereupon ſuch juſtice ſhall iſſue an attachment againſt ſuch tenant's goods, returnable to his next county court; and if ſuch tenant ſhall not, at the time of ſerving the ſame, or before, or at ſuch next court, enter into recognizance, with one or more ſufficient ſecurities, for payment of the ſaid rent when due, ſuch court ſhall order the goods attached, to be ſold by the ſheriff, at publick auction, for money or tobacco, according to the reſervation of the rent, to be paid when the ſame becomes due, the purchaſers giving good ſecurity for ſuch payment, and to aſſign the bonds taken for the ſame, and the coſts, to ſuch landlord; and the overplus, if any, beſides the charges of attachment and ſale, to return to the owner.

XII. 27. *Geo.* II. (1753.) *cap.* 1. *ſect.* 23. Plaintiff on *non eſt* returned in the general court, may have an attachment, on which the ſame proceedings ſhall be had, as in the county court (*ſect.* 9.) or if the defendant is removed into another county, may have a *teſtatum capias*; and on an attachment the goods may be replevied as in *ſect.* 10.

ATTORNIES.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 29.

§ I. NO juſtice, ſheriff, under-ſheriff, or clerk, ſhall appear or plead, as an attorney in his county court under the penalty of ten pounds, towards leſſening the county levy, except as a general attorney for perſons out of the country.

II. 22 *Geo.* II. (1748) *cap.* 8. *ſect.* 7. All powers of attorney to confeſs or ſuffer judgment to paſs by default, or otherwiſe, and all general releaſes of error by any perſon in this colony before action brought, ſhall be null and void; and any attorney, or perſon practiſing as ſuch, appearing under ſuch power for any defendant, in any court of record here, ſhall, for every ſuch offence, forfeit five hun-

hundred pounds to ſuch defendant, for his own uſe, to be recovered with coſts, by action of debt, or information, in any court of record, and be moreover liable to an action for damages at the ſuit of the party grieved.

III. *Sect.* 8. Every perſon appearing as attorney for any perſon, out of the colony, againſt any inhabitant thereof, ſhall at his firſt appearance, or after, on requeſt, give good ſecurity with the clerk of the general court, or county court, where the ſuit is depending, to pay all ſuch damages, coſts and charges, as ſhall be awarded againſt him; or on failure, the ſuit ſhall be diſmiſſed, and the defendant have judgment for his coſts, againſt ſuch attorney, on which he may take execution; and, ſuch attorney ſhall be liable to all officers, and witneſſes, for their reſpective fees and allowances.

IV. 22 *Geo.* II. (1748) *cap.* 47. *sect.* 1. The judges of the general court for the time being, may and ſhall appoint, from time to time, ſuch and ſo many council and attornies practiſing in the ſaid court, as they ſhall think fit, to examine into the capacity, ability and fitneſs of ſuch as from time to time, apply for a licence, to practiſe as attorneys in the county, or other inferior courts, and ſhall cauſe ſuch nomination and appointment, to be entred in the records of their court; which perſons ſo nominated, and appointed, ſhall, at the time of their nomination, make oath before the general court, That they will well and truly examine into the capacity, ability and fitneſs of all ſuch perſons as ſhall make application to them, for a licence to practiſe as attornies, and that they will not grant a licence to any perſon, who ſhall not upon examination to the beſt of their knowledge, be found ſufficiently qualified to practiſe as an attorney as aforeſaid.

V. Every perſon deſiring ſuch a licence, ſhall before examination, produce to the examiners, a certificate from ſome county or other inferior court, wherein he intends to practiſe, of his probity, honeſty, and good demeanour, and pay down to ſuch examiners, twenty ſhillings, after which they may, and ſhall make ſuch examination, and grant ſuch a licence, under their hands and ſeals, or refuſe ſuch licence, as he appears fit and qualified or not.

And if the perſons ſo appointed by the general court, ſhall refuſe to be ſworn, or being ſworn, ſhall grant any ſuch licence, without ſuch a certificate, or accept of, or receive any greater fee or reward for the ſame, they ſhall reſpectively, for every ſuch offence, forfeit one hundred pounds, one moiety to the king, the other to him or them that will inform, or ſue for the ſame, to be recovered with coſts, by action of debt, or information in any court of record; and every perſon obtaining a licence as aforeſaid, before he be admitted, to practiſe as an attorney, in any county or inferior court, ſhall, before every ſuch court, take the oaths appointed by law to be taken, inſtead of the oaths of allegiance and ſupremacy, and take and ſubſcribe the oath of abjuration, ſubſcribe the teſt, and take the following oath.

I *A. B.* do ſwear, *That I will truly and honeſtly demean myſelf, in the practice of an attorney, according to the beſt of my knowledge and ability.* So help me God.

And if any perſon ſhall practiſe as an attorney in any county or inferior court, without a licenſe, or qualifying himſelf, in ſuch court, in manner aforeſaid, he ſhall for every ſuch offence, forfeit five pounds for every cauſe he ſhall proſecute, or defend, in any of the ſaid courts, one moiety to the king, the other to the informer, to be recovered by action of debt, or information, in any county or inferior court.

VI. Provided, no perſon that hath been, or ſhall be convicted of any felonious crime, ſhall be capable to obtain ſuch licence, and where any perſon ſo convicted, ſhall obtain a licence, the judges of the general court, upon proof thereof made to them, ſhall by their order ſuperſede his licence.

VII. If any attorney ſhall miſdemean himſelf, and act contrary to his duty, in his practice, the judges of the general court, upon complaint and proof thereof, made before them, may by their order ſuperſede his licence, ſuſpend him for a time, or diſable him for ever, as they ſhall think juſt, without the ſolemnity of a jury.

VIII.

VIII. Provided, that this act so far only as relates to obtaining licence, shall not extend to any barrister at law, or attorney now practising in the general court, or to any attorney heretofore examined and licensed, pursuant to the laws then in force.

IX. Provided also, that nothing herein shall hinder the justices of any county, or inferior court, from causing any attorney to find surety for his good behaviour, or fining him for misdemeanour or contempt.

X. If any attorney, in any county or inferior court, be willingly or wittingly guilty of any neglect, in any cause there depending, such court, upon complaint and proof thereof, within six months after such neglect, may order such attorney to pay all costs occasioned thereby.

XI. The judges of the general court shall not suffer more than two lawyers to argue on one side, in any cause hereafter to be commenced, except in cases of life and death.

XII. This act to commence from the tenth day of *October* next, and be in force four years; and from thence to the next session of assembly.

XIII. 27 *Geo.* II. (1753) *cap.* 9. *sect.* 2. The act of 22 *Geo.* II. *cap.* 47. continued for three years; and thence to the end of next session of assembly.

XIV. 30 *Geo.* II. (1757) *cap.* 9. Further continued from the end of this session four years, and to the end of the next session of assembly.

XV. During its continuance no lawyer shall directly, or indirectly, or by any device, way, or means whatsoever, take or receive, before the suit or suits are finally determined, any greater or other fees or reward, for the following services, than herein mentioned.

LAWYERS practising in the general court.

	l.	*s.*	*d.*
For an opinion or advice, where no suit is, or shall be brought and prosecuted, or defended, by the attorney giving such advice, but not otherwise	1	1	6
In any suit at common law, other than the actions hereafter mentioned,	2	10	0

	l.	*s.*	*d.*
In all chancery ſuits, or real, mixt, or perſonal actions, where the title or bounds of land ſhall, or may come in queſtion,	5	0	0

LAWYERS in the county or inferior courts.

For an opinion or advice, where no ſuit is, or ſhall be brought and proſecuted, or defended, by the attorney giving ſuch advice, but not otherwiſe,	0	10	0
In any ſuit at common law, other than the actions hereafter mentioned, or by petition,	0	15	9
In all chancery ſuits, or real or mixt perſonal actions, where the title or bounds of lands ſhall or may come in queſtion,	1	10	0
On petition for a ſmall debt,	0	7	6
Any lawyer attending a ſurvey in the country, for each day he attends,	1	1	6

And every lawyer exacting, taking, receiving or demanding any greater fee, or other reward, for any of the above ſervices, before he has performed the ſaid ſervices, or finiſhed the ſaid ſuits, ſhall forfeit one hundred pounds for every offence, to be recovered by action of debt or information in any court of record; one moiety to the king, and the other to the informer.

XVI. No lawyer in any ſuit to be brought for his fees or ſervices, ſhall recover more than the fees above-mentioned, notwithſtanding any agreement, contract or obligation entered into by the party againſt whom ſuch ſuit ſhall be brought.

BAIL.

27 *Geo.* II. (1753) *cap.* 1. *ſect.* 16.

§ I. THE ſheriff on executing any proceſs where bail is required, ſhall return therewith the names of the bail by him taken, and a copy of the bail bond, to the ſecretary's office, before the day of appearance; and on the defendant's fail-

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ing to appear, and give ſpecial bail, if ruled thereto, the bail ſo returned, ſhall be ſubject to the ſame judgment and recovery, and have the ſame liberty of defence as the defendant, if he had appeared and given bail: And if the ſheriff ſhall not return bail, and a copy of the bail bond, or the bail returned is adjudged inſufficient, or defendant fails to give ſpecial bail, being ruled thereto, judgment ſhall be given againſt the ſheriff, in the ſame manner, and with the ſame condition, as againſt the bail: And if the ſheriff dies before judgment confirmed againſt him, judgment may be confirmed againſt his executors or adminiſtrators, or (if no probat or adminiſtration granted) againſt his eſtate, and a *fieri facias* may iſſue, to levy the ſame on his goods and chattels.

II. The plaintiff ſhall object to the ſufficiency of the bail, during the court to which the writ is returnable, and not after; and no judgment ſhall be entered againſt the ſheriff where bail is returned, until the ſame has been adjudged inſufficient by the court at the time aforeſaid: And where bail is adjudged inſufficient, and judgment is given againſt the defendant and ſheriff, the ſheriff ſhall have the ſame remedy againſt the eſtate of ſuch bail, as againſt the defendants.

III. Every judgment againſt any defendant and ſheriff, or defendant and bail, obtained before the next general court after the return of the writ on which ſuch defendant was arreſted, ſhall be ſet aſide, if the defendant on the eighth day of ſuch next court puts in bail, or is allowed to appear without, and pleads to iſſue immediately.

IV. Upon confirmation of any judgment againſt the ſheriff, or bail, the court on motion of ſuch bail, or ſheriff, his executors or adminiſtrators, or any other perſon in either of their behalf, may grant an attachment, returnable to the next court, againſt the defendant's eſtate, for ſo much as ſhall be ſufficient to ſatisfy the ſaid judgment and coſts, and all other coſts concerning the ſame; and the eſtate ſo attached, ſhall be condemned for the ſame, and ſhall be ſold as goods taken in execution by *fieri facias*; and out of the money ariſing by ſuch ſale, ſo much as

ſhall

ſhall be ſufficient, ſhall be paid to the ſaid bail, or ſheriff, or his executors or adminiſtrators, and the remainder, after charges deducted, returned to the perſon from whom attached, his attorney or agent, when required.

V. 22 *Geo.* II. (1748) *cap.* 7. *ſect.* 16. Upon execution of any proceſs whereupon bail ſhall be requirable, the ſheriff ſhall return therewith the names of the bail by him taken; and if he returns no bail, or the bail returned be adjudged inſufficient by the court, or if the defendant fails to appear, or give ſpecial bail when ruled thereto by the court, ſuch ſheriff or bail ſhall be ſubject to the ſame judgment and recovery, and ſhall have the ſame liberty of defence, relief and remedy, as in like caſes is by law provided in ſuits depending in the general court.

BASTARDY.

1 *Geo.* II. (1727) *cap.* 7. *ſect.* 8.

§ I. WHEN any lewd woman ſhall be delivered of a baſtard child, ſhe ſhall, on conviction, pay five hundred pounds of tobacco and caſk, or fifty ſhilling current money to the churchwardens of the pariſh, for the uſe of the ſaid pariſh, to be recovered with coſts by action of debt, bill, plaint or information in any court of record. And on failure of preſent payment, or to give ſufficient ſecurity for payment thereof, at laying the next pariſh levy after ſuch conviction, ſhall receive twenty five laſhes at the public whipping poſt; and on payment, or whipping, ſhall be diſcharged of all other proſecution.

II. The perſon in whoſe houſe ſuch woman ſhall be delivered, upon ſuch delivery, ſhall give notice thereof to one of the churchwardens of the pariſh, or on failure to give ſuch notice, or to ſecure ſuch woman till ſuch notice given; or if ſuch perſon ſhall ſuffer her to eſcape, he or ſhe ſhall pay the fine aforeſaid, for the uſe of the poor of the pariſh, to be recovered as aforeſaid, or on failure of payment, or refuſal to give ſecurity as aforeſaid, ſhall receive twenty five laſhes.

III. 27 *Geo.* II. (1753) *cap.* 7. *ſect.* 13. If any woman ſervant

vant is delivered of a baſtard child during her ſervitude, ſhe ſhall ſerve her owner for the loſs and trouble thereby occaſioned, one year after her ſervitude expired, or pay her ſaid owner one thouſand pounds of tobacco; and the reputed father, if free, ſhall give ſecurity to the church-wardens of the pariſh, to maintain the child, and keep the pariſh indemnified, or be compelled thereto by order of the county court, upon the ſaid church-warden's complaint. But if a ſervant, he ſhall make ſatisfaction to the pariſh for keeping the ſaid child, after his time to his then preſent owner expired, or be compelled thereto by order of the county court, upon complaint of the church-wardens for the time being.

IV. And if any woman ſervant ſhall be got with child by her maſter, ſuch maſter, his executors, adminiſtrators and aſſigns, ſhall be barred from any claim of ſervice againſt her by reaſon of ſuch child; but ſhe ſhall, when her time to her ſaid maſter is expired, be ſold by the church-wardens of the pariſh where the child was born, for one year, or pay one thouſand pounds of tobacco; the ſame, or what ſhe ſhall be ſold for, to be employed by the veſtry to the uſe of the ſaid pariſh.

V. And if any woman ſervant ſhall have a baſtard child by a Negro or Mulatto, over and above the years ſervice due to her owner, ſhe ſhall, upon the expiration of her time to her then preſent maſter or owner, pay down to the church-wardens of the pariſh where ſuch child was born, for the uſe of the ſaid pariſh, fifteen pounds current money, or be by them ſold for five years to the uſe aforeſaid.

VI. And if a free Chriſtian white woman ſhall have ſuch baſtard child by a Negro or Mulatto, ſhe ſhall within one month after her delivery, pay to the church-wardens of the pariſh, fifteen pounds, or be ſold for five years, for the uſe of the ſaid pariſh as aforeſaid. And in both caſes, ſuch baſtard children ſhall be bound by the church-wardens to ſerve till thirty one years of age.

BEEF,

BEEF, PORK, &c.

22 *Geo.* II. (1748) *cap.* 49. *sect.* 2.

§ I. NO pork, beef, or flour, shall be exported, or tar, pitch, or turpentine, exposed to sale, or exported till packed, or filled in barrels, under the regulation herein after expressed. The justices of every county court, shall in *August* or *September* annually, appoint in open court, one or more (not exceeding six in one county) fit and able person or persons residing in the same county, to inspect the package, and weigh all pork, beef, and flour, and to inspect the filling of all tar, pitch, or turpentine, packed or filled for sale, or exportation, within their respective counties: And the said courts may appoint the same person or persons, to be inspectors of pork, beef, flour, tar, pitch, and turpentine, if such person appears to them duly qualified, or may appoint several inspectors, as in their discretion shall seem best; and every such person so appointed, shall before he enters upon the execution of that office, make oath, before the justices of his county court, carefully to view, inspect, and examine when required, all pork, beef, flour, tar, pitch, and turpentine, packed or filled for sale, or exportation, and to the best of his skill, and judgment, not pass or stamp any barrel of pork, or beef, or any flour, pitch, tar, or turpentine, that is not good, clean, sound, merchantable, and of the weight or gauge by this act directed, and faithfully to discharge the duty of his office, without favour, affection, partiality, or other by respect; and shall constantly attend upon notice, at such time and place as the owner of any of the said commodities shall appoint, to inspect the same, within his county; but shall not inspect or stamp any tar, pitch, or turpentine, or any pork, or beef, imported from *Carolina*, until the same shall be brought to some public landing, and shall provide a stamp or stamps, with the first letter of his county, the letter V for *Virginia*, the first letter of his own Christian name, and his whole surname at length, to be stamped on each barrel or cask by

by him paſſed; and on every caſk, or barrel of flour, the groſs, tare, and nett weight thereof, and a diſtinction of the fineneſs, by the words firſt, or ſecond, ſtamped on the head; and on every barrel of pork, the letter L. for large, and the letter S. for ſmall pork; and on the head of every barrel of tar, pitch, and turpentine, ſhall diſtinguiſh whether the ſame be tar, pitch or turpentine, for which he may demand and take for every barrel of pork, or beef by him ſtamped, ſixpence; for every barrel of tar, pitch or turpentine, twopence; for every barrel of flour, containing two hundred and twenty pounds nett, or leſs, threepence; and for every caſk of greater weight, ſixpence; and no more to be paid down by the owner: And if any officer ſo appointed and ſworn, ſhall neglect his duty, or ſtamp any of the commodities aforeſaid, contrary to this act, he ſhall forfeit and pay twenty ſhillings for every barrel of pork, or beef, ten ſhillings for every barrel or caſk of flour, and five ſhillings for every barrel of tar, pitch or turpentine, which ſhall be found not duly qualified, or of leſs weight and contents than this act requires; and alſo five ſhillings for every neglect of his duty, recoverable by the informer with coſts, before a juſtice of the county where ſuch offence is committed.

II. Every barrel of pork, or beef, packed for ſale or exportation, or imported here, ſhall contain at leaſt two hundred and twenty pounds nett, of good, clean, fat, ſound, merchantable meat, well ſalted between each layer, well pickled, nailed and pegged, and no more than two heads of pork in one barrel; and after the ſame has been inſpected, weighed, found merchantable, and paſſed by the inſpector or inſpectors, in the county where the ſame ſhall be packed, or imported, every ſuch barrel, ſhall be by him or them, ſtamped or branded, as aforeſaid, and certificate thereof given to the owner; and every barrel of tar, pitch, and turpentine, ſhall contain thirty one gallons and an half wine meaſure, at the leaſt; and after the ſame ſhall be inſpected, gauged, found clean, well and truly made merchantable, and paſſed by the inſpector or inſpectors of the county, ſhall be ſtamped or branded, and certificate thereof given to the owner as aforeſaid.

III. And every perſon making, or cauſing to be made, wheat flour for exportation, ſhall make oath before a juſtice, That the flour by him intended to be exported, or ſold for exportation, is clean and pure, not mixed with meal of *Indian* corn, peaſe, or any other grain or pulſe, to the beſt of his knowledge, which oath, every juſtice, may, upon requeſt of the owner of ſuch flour, adminiſter, and ſhall grant a certificate of ſuch oath before him made; which being produced to the inſpector, he ſhall diligently view and examine the flour therein mentioned; and if found clean, pure, unmixed, and merchantable, ſhall ſee the ſame packed in caſks, or barrels, well ſecured for exportation, and ſhall ſtamp or brand the ſame, in the manner herein before directed.

IV. All pork and beef expoſed to ſale, or barter, in barrels, whether packed here, or imported from *Carolina*, ſhall contain at leaſt two hundred and twenty pounds of nett meat, allowing only two and an half *per centum*, for ſhrinkage, or loſs of weight; and every barrel of tar, pitch or turpentine, expoſed to ſale, or barter, whether made here, or imported, ſhall contain at leaſt thirty one gallons and an half wine meaſure, and be ſtamped or branded, as this act directs; and if any perſon ſhall ſell, or expoſe to ſale, or barter, any barrel of pork, beef, tar, pitch or turpentine, of leſs weight or gauge, he or ſhe ſhall forfeit and pay to the informer twenty four ſhillings, for every ſuch barrel of pork or beef, and five ſhillings for every ſuch barrel of tar, pitch, or turpentine, ſold or expoſed to ſale, or barter, in this dominion, recoverable with coſts by the informer, before any juſtice of the county, where ſuch offence is committed, altho' the penalty ſhall exceed twenty five ſhillings; and every juſtice upon ſuch complaint, and due proof, may, and ſhall give judgment for the whole penalty, and award execution thereupon, any law to the contrary notwithſtanding.

V. Provided, that from ſuch judgment, for more than twenty five ſhillings, the party grieved may appeal to the next court to be held for that county, the appellant entring into bond with ſufficient ſecurity, before the juſtice by whom the judgment ſhall be given, to proſecute his appeal with effect, and pay the ſame

judg-

judgment, and all coſts awarded by the court, if the judgment ſhall be affirmed. And ſuch juſtice ſhall return the bond, with the whole record of his proceedings in the cauſe, to the ſaid court; which court ſhall receive, hear, and finally determine the ſame.

VI. Every ſeller or exporter of pork, beef, flour, tar, pitch or turpentine, packed or filled in this colony, and ſtamped or branded, ſhall make oath before a juſtice, within three days before delivery of the goods ſold or exported, That the ſeveral barrels by him intended to be ſold or exported, are the ſame that were inſpected and paſſed, and do contain the full quantity without embezzlement to his knowledge; and every maſter of a veſſel, wherein pork, beef, flour, tar, pitch or turpentine, ſhall be exported, ſhall make oath, That he will not knowingly take, or ſuffer to be taken on board of his ſhip, or veſſel, any pork, beef, tar, pitch, turpentine, or flour, contrary to law, which oath the reſpective naval officers of this colony ſhall adminiſter; and, if any of the ſaid commodities, packed or filled in barrels or caſk for exportation, and not ſtamped or branded, as aforeſaid, or any parcels of pork or beef unpacked, or any flour in barrels or caſk, not ſo ſtamped (except for neceſſary proviſions only) ſhall be put on board any ſhip, or veſſel, to be exported as merchandize, every ſuch caſk, barrel, or parcel, may be ſeized by any ſworn officer, and brought on ſhore, and the ſame or the value thereof, ſhall be forfeited to the informer, recoverable before a juſtice; and the officer ſerving the ſame, may demand and take the like fees, as for ſerving an execution, to be paid by the party from whom ſuch ſeizure ſhall be; and if ſuch officer ſhall be ſued for any thing done in purſuance of this act, he may plead the general iſſue, and give this act in evidence, and upon a nonſuit or verdict for the defendant he ſhall have double coſts: And the maſter of ſuch ſhip or veſſel ſhall forfeit twenty ſhillings for every barrel, or caſk of pork, beef, or flour, and five ſhillings for every barrel of tar, pitch or turpentine, ſo taken on board, recoverable by the informer, before a juſtice of any county, if the forfeiture ſhall not exceed five pounds, for which ſuch juſtice may grant judgment and execution; but where the forfeiture exceeds that ſum to be

recovered by aſtion of debt, or information, in any court of record, having cognizance of ſuch a ſum.

VII. Every cooper, and the maſter or owner of every ſervant and ſlave, ſetting up barrels for pork, beef, tar, pitch or turpentine, ſhall make the ſame with good, ſtrong, well-ſeaſon'd timber, tight and well-hooped, with twelve hoops at leaſt, every barrel for pork or beef to contain from twenty nine to thirty one gallons each, and every barrel for tar, pitch or turpentine, thirty one gallons and an half at leaſt, with his name, or the name of the maſter of ſuch ſervant or ſlave at length, ſtamped or branded upon every barrel, under the penalty of two ſhillings and ſixpence for every barrel ſet up for ſale or exportation, and not ſo ſtamped or branded, or of leſs contents than aforeſaid, recoverable by the informer before a juſtice.

VIII. This aſt ſhall be in force for ſeven years from its paſſing, and from thence to the end of the next ſeſſion of aſſembly.

IX. 28 *Geo.* II. (1755) *cap.* 8. After paſſing this aſt, no perſon appointed to inſpeſt the filling of tar, pitch or turpentine, ſhall, during his continuance in ſuch office, buy or receive, by way of barter, loan or exchange, or by any other ways or means, any tar, pitch or turpentine whatſoever, under forfeiture of five ſhillings for every barrel ſo bought or received, to be recovered with coſts, by aſtion of debt or information, in any court of record, where the forfeiture exceeds twenty five ſhillings; and where it does not, before any juſtice of the county where the offence is committed, one moiety to the king, and the other to the informer.

X. 29 *Geo.* II. (1756) *cap.* 6. The aſt of 22 *Geo.* II. *cap.* 49. continued from paſſing this aſt for five years, and from thence to the end of the next ſeſſion of aſſembly.

XI. No inſpeſtor ſhall paſs or ſtamp any barrel of pork or beef, that does not appear to ſuch inſpeſtor to be well ſalted and cured before the ſame is packed.

BILLS

BILLS of EXCHANGE.

22 *Geo.* (1748) *cap.* 33.

§ I. WHERE any bill of exchange is, or ſhall be drawn for the payment of any ſum of money in which the value is or ſhall be expreſſed to be received, and ſuch bill is or ſhall be proteſted for non-acceptance or non-payment, it ſhall carry intereſt from the date thereof, after the rate of ten *per cent. per annum*, until the money therein drawn for, ſhall be fully ſatisfied and paid: But leſt any perſon, for the ſake of the ſaid intereſt, ſhould delay negotiating the ſame, or demanding payment after its proteſt from the drawer or indorſer; no perſon ſhall pay more than eighteen months intereſt from the date of any bill, to the time it ſhall be preſented proteſted to the drawer or indorſer.

II. Any perſon or perſons having a right to demand any ſum of money upon ſuch a proteſted bill, may proſecute an action of debt, for principal, intereſt and charges of proteſt, againſt the drawer and indorſer jointly, or either of them ſeparately, and judgment ſhall be given for ſuch principal, and charges and intereſt, after the rate of ten *per cent. per annum*, to the time of ſuch judgment, and for intereſt upon the money recovered, after the rate of five *per cent. per annum*, until the ſame ſhall be fully ſatisfied.

III. All bills of exchange which are or ſhall be proteſted, ſhall, after the death of the drawer or indorſer thereof, be accounted of equal dignity with a judgment; and the executors or adminiſtrators of every ſuch drawer or indorſer, ſhall ſuffer judgment to paſs againſt them, for all debts due upon proteſted bills of exchange, before any bond, bill, or other debt, of equal or inferior dignity, under the penalty of being liable to pay the ſame out of their own proper goods.

IV. 28 *Geo.* II. (1755) *cap.* 7. *ſect.* 4. In all bills of exchange given after the firſt day of *October* next, for any debt due in current money, or for current money advanced or paid for ſuch bills, the ſum that was paid or allowed for the ſame in current money ſhall

ſhall be mentioned and expreſſed in ſuch bills; and in default thereof, if ſuch bill ſhall be proteſted, and a ſuit brought for the recovery of the money due thereby, the ſum of money expreſſed in ſuch bill, ſhall be held and taken as current money, and judgment ſhall be entered accordingly.

V. If any perſon ſo receiving or purchaſing a bill of exchange, ſhall expreſs, or cauſe to be expreſſed therein, any other than the true ſum in current money allowed for the ſame; every ſuch perſon ſo offending, ſhall forfeit and pay to the perſon drawing ſuch bill, the whole ſum of money for which ſuch bill ſhall be drawn; to be recovered with coſts by action of debt, in any court of record, wherein the ſame ſhall be cognizable.

VI. To the end people may not be injured for want of due proof of the rate of exchange ſo given or allowed for ſuch bills, where the ſame is not truly expreſſed therein, ſuch bills being uſually negociated in ſecret, and with ſuch caution, that it can ſeldom be detected in the ordinary courſe of evidence; *Enacted*, That the drawer of ſuch bill of exchange, may exhibit a bill in chancery, in any court of record, againſt the perſon to whom ſuch bill ſhall be payable, to compel him to diſcover upon his corporal oath, the true difference of exchange, given or allowed for ſuch bill; and if it ſhall appear that a leſs rate of exchange was given or allowed, than is expreſſed, the drawer of ſuch bill ſhall be diſcharged from the penalty herein before inflicted for the ſame, but ſhall be decreed to pay to the drawer, ſo much money as the rate of exchange allowed, ſhall be leſs than the rate of exchange expreſſed, together with the damages of ten *per centum, per annum,* thereon, to the time of ſuch decree, and coſts of ſuit.

BOATS.

4 *Ann*, (1705) *cap*. 15. *ſect*. 8.

§ I. EVERY perſon taking away any boat or other veſſel without the leave of the owner, ſhall for every ſuch offence, pay ſuch owner, five hundred pounds of tobacco, over and above the

the damages ſuch boat and veſſel ſhall ſuſtain, and the charge of bringing her back again, to be recovered with coſts in any court of record; and if ſuch perſon be a ſervant, he or ſhe ſhall make the like ſatisfaction by ſervice, after the time due to his or her maſter expired: And if there be ſeveral offenders in one treſpaſs, every perſon ſhall be liable for the whole penalty.

BONDS.

22 *Geo.* II. (1748) *cap.* 8. *ſect.* 6.

§ I. IN all actions on bonds for payment of money, where the plaintiff recovers, judgment ſhall be entered for the penalty of ſuch bond, to be diſcharged by payment of the principal and intereſt due thereon; and the other coſts of ſuit and execution ſhall iſſue accordingly: Or, if before judgment the defendant brings into court the principal, and intereſt due upon ſuch bond, he ſhall be diſcharged, and judgment be entered for the coſts only.

II. In any action of debt on ſingle bill, or in debt or *ſcire facias* upon a judgment, or in debt upon bond, if before action brought, the defendant hath paid the principal and intereſt due by the defeaſance or condition, he may plead payment in bar.

BOOK-DEBTS.

22 *Geo.* II. (1748) *cap.* 25. *ſect.* 2.

§ I. IN any action of debt, or upon the caſe where the plaintiff declares upon an *emiſſit*, or *indebitatis aſſumpſit*, for goods, wares or merchandizes by him ſold and delivered, and on the trial thereof, ſhall declare upon his oath or affirmation (as the caſe may be) That the matter in diſpute is a ſtore-account; and that he hath no means to prove the delivery of the articles therein contained, or any of them, but by his ſtore book, ſuch book may given in evidence at the trial, if he makes out by his own oath, or affirmation, that ſuch book doth contain a true account of all the dealings, or the laſt ſettlement of accounts between

them;

them; and that all the articles therein contained were *bona fide* delivered; and that he hath given all juſt credits due to the defendant in ſuch account; and ſuch book and oath, or affirmation, ſhall be admitted as good evidence, for any of the articles for goods delivered, within two years before the action brought, but not for any article of longer ſtanding, unleſs the defendant ſhall have removed out of the county where he reſided at the time of his contracting the debt, and then within three years before the action brought: And the ſtore book of a dead perſon, may be given in evidence, by his executors or adminiſtrators, on his or their making oath, That there are no witneſſes, to his or their knowledge, capable of proving the delivery of the goods or merchandizes therein mentioned; and that he or they found the book ſo ſtated, and do not know of any credit to be given; and ſuch book and oath ſhall be admitted as evidence for any of the articles delivered within the time aforeſaid.

II. A copy from the book of accounts, proved as herein before directed, may be given in evidence in any ſuch action as aforeſaid, and be as available as if ſuch book had been produced, except the defendant, or his attorney, give notice to the plaintiff, or his attorney, at joining of the iſſue, that the defendant requires the book to be produced at the trial, in which caſe no copy ſhall be admitted as evidence.

III. The defendant may conteſt and oppoſe the plaintiff's evidence, by other legal evidence: And where the defendant is an executor or adminiſtrator, his teſtator's or inteſtate's book may be given in evidence againſt the plaintiff's book, where the plaintiff is an executor or adminiſtrator.

IV. No book of accounts, altho' proved by witneſſes, ſhall be admitted as evidence, in any action for goods, wares or merchandizes delivered, or work done, above five years before the action brought; except in caſe of merchants reſiding in *Great Britain*, or in other parts beyond the ſeas.

BUR-

BURGESSES.

4 *Ann*, (1705) *cap.* 2.

§ I. THE freeholders of every county (qualified as in *sect.* 32.) shall have the priviledge of electing two of the most fit and able men of their county, and the free-holders of *James' City*; one burgess to be present, and to act and vote in every general assembly.

II. The following rules shall be observed in elections, *viz.* The writs shall be signed by the governor or commander in chief for the time being, with the colony seal affixed, and shall be delivered to the secretary at least forty days before the time appointed for the assembly to begin; who shall carefully transmit the same to the sheriffs of the respective counties, within ten days after the date: Every sheriff within three days after receipt, shall cause a fair copy thereof to be delivered to every minister and reader of the several parishes in his county, with the time and place by him appointed for the election, endorsed thereon; which shall always be at the county court-house, and twenty days at least after the receipt of the writ. After receipt of such copy and endorsement, the minister or reader shall publish the same after divine service in his church or chapel, every *Sunday* between such receipt and the day of election; and after such publication, shall return such copy to the sheriff, with a certificate of the publication thereof, and of the time and place of election. The secretary, sheriff, minister or reader, failing in his duty, shall respectively forfeit, as follows, The secretary, forty pounds current money; the sheriff, two thousand pounds of tobacco; the minister or reader one thousand pounds of tobacco; one moiety to the queen, the other to the informer, to be recovered with costs in any court of record, by action of debt, bill, plaint or information.

III. Every freeholder actually resident in each county, shall appear and vote at such election, or forfeit two hundred pounds of tobacco to the informer; to be recovered as in *sect.* 2.

 IV. Pro-

IV. Provided, no feme sole, feme covert, infant, or recusant convict, shall have liberty to vote at any such election.

V. Any person voting at such election, not being a freeholder of the county or town where he votes, shall forfeit five hundred pounds of tobacco; to be recovered and divided as in *sect.* 2.

VI. If the question shall arise in any suit brought, Whether any person be a freeholder, or not? the *onus probandi* shall lie on the defendant.

VII. If any election cannot be determined by the view, by consent of the freeholders, the sheriff, or in his absence, the under-sheriff, shall take the poll, in manner following; He shall appoint such, and so many persons as he shall think fit, being first sworn by him, for their true and impartial taking the poll, who (in the court-house, in presence of the several candidates named, or such persons as they may, if they think fit, appoint to see the poll fairly taken) shall take the poll in manner following; They shall in one or more books, by the sheriff, or under-sheriff, as aforesaid, for that purpose provided, write down the names of the candidates, in a several column or page of the book; and the name of every freeholder coming to give his vote, shall be fairly written in the several pages or columns respectively, under the names of the candidates by him voted for.

VIII. No freeholder shall vote any more than once, or for more than two persons at any such election.

IX. When any freeholder shall have voted (or if upon proclamation three times made at the court-house door, no more freeholders will give their votes) the sheriff, or undersheriff, as aforesaid, shall conclude the poll, and return him or them burgess or burgesses, who shall have the most votes on examination of the poll; and if two or more have an equal number of votes, the sheriff, or under-sheriff, as aforesaid, being a freeholder, may return which of them he thinks fit.

X. The sheriff, or under-sheriff, as aforesaid, after election, shall make return thereof in manner following: Upon the writ shall be indorsed thus;

The

The execution of this writ appears in a certain schedule hereto annexed.

And in the schedule to the writ annexed, the execution thereof shall be certified as follows, *mutatis mutandis.*

BY virtue of this writ to me directed, in my full county, held at the court-house for my said county, upon the day of in the year of the reign of by the grace of God, of Great Britain, France, *and* Ireland, *King, defender of the faith,* &c. *by the assent of my said county, I have caused to be chosen [two burgesses] of my said county,* to wit, A. B. *and* C. D. *to act and do, as in the said writ is directed and required.*

And for the college of *William* and *Mary*, or for any town, the form of the return shall be thus:

BY virtue of this writ to me directed, I did make lawful publication thereof; and afterwards, to wit, *upon the day of in the year of the reign of by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith,* &c. *[at the said town of] or [at the said college] by the assent of the [freeholders] or [president, and masters or professors] thereof, I have caused to be chosen one burgess for the said [town] or [college]* to wit, A. B. *of to act and do, as in the said writ is directed and required.*

XI. If any candidate, or other person in his behalf, desires a copy of the poll, the sheriff, or under-sheriff, who manages the election, shall, assoon as may be, cause a fair copy thereof to be made, and delivered to such candidate, or other person attested under his hand.

XII. If upon the death, or incapacity, of any member of the house of burgesses, the sheriff of any county, shall receive a writ for the election of one or more burgess or burgesses, during the session of assembly, he shall appoint such and so many persons as he shall think fit, to give notice thereof, and of the time and place of election, to every particular freeholder in the county or

town for which election is to be made; which election ſhall be made as ſoon as poſſible, in the manner herein before directed, and the perſon or perſons ſo elected, returned in form aforeſaid.

XIII. If the ſheriff, or underſheriff, as aforeſaid, being required (before return made) by any candidate or freeholder, ſhall refuſe to take the poll, or take it in any other manner; or refuſe to give a copy thereof, or make any falſe or double return; or make return in other form than before herein directed, he ſhall, in every ſuch caſe reſpectively, forfeit forty pounds *Sterling*; to be recovered and divided as in ſection 2.

XIV. Every writ of election ſhall be by the ſheriff returned to the clerk of the ſecretary's office, or other perſon attending there to receive the ſame, at leaſt the day before the return day therein mentioned, under the penalty of two thouſand pounds of tobacco; to be recovered and divided as in ſection 2.

XV. Any perſon who ſhall after the Teſte, or iſſuing out of any writ of election by himſelf, or by any other ways or means on his behalf, or at his charge, before his election for any county, town, or corporation, directly or indirectly, give, preſent, or allow to any perſon or perſons, having vote in ſuch election, any money, meat, drink, entertainment, proviſion, preſent, gift or reward; or make any promiſe, agreement, obligation or engagement for the ſame, to or for the uſe, advantage, benefit, employment, profit or preferment of any ſuch perſon or perſons, county, town, or corporation, in order to be elected, ſhall be diſabled and incapacitated upon ſuch election, to ſerve in the aſſembly, for ſuch county, town, or corporation, to all intents and purpoſes, as if he had never been returned or elected a member of the ſame.

XVI. If any perſon under the age of twenty one, or not being a freeholder in the place where he is elected for, ſhall be choſen a burgeſs, ſuch election is declared illegal and void.

XVII. All members of the aſſembly ſhall be, in their perſons, ſervants and effects, real and perſonal, free, exempted and priviledged from all arreſts, attachments, executions, and other proceſs whatſoever (ſave only for treaſon, felony, or breach of the

peace)

peace) during their attendance upon the assembly; and for ten days before the beginning, and ten days after the conclusion of every session. And if any process is depending against any such member before his election, the same shall be stayed ten days before and after every session; and shall then be revived without any discontinuance or abatement. And if the assembly be prorogued or adjourned longer than twenty days, any process may be commenced against any such member, so as the same may be stayed as aforesaid, ten days before and after every session or meeting, by prorogation or adjournment.

XVIII. Every burgess coming by land, shall be paid by the county for which he serves, one hundred and thirty pounds of tobacco and cask a-day, besides the necessary charge of ferriage: And every burgess that cannot come otherwise than by water, one hundred and twenty pounds of tobacco and cask a-day, over and above the following allowance, for going and returning to and from the assembly, *viz.* To every burgess for *James' City*, *York*, *Warwick*, *Elizabeth City*, *New Kent*, *Gloucester*, *Charles' City*, *Surrey*, and *Isle of Wight*, the allowance of one day for coming, and one for returning. For *Henrico*, *Nansemund*, *Norfolk*, *Princess Ann*, *King William*, *Prince George*, *King and Queen*, *Middlesex*, and *Essex*, two days for coming, and two for returning. For *Lancaster*, and *Richmond*, three days for coming, and three for returning. For *Stafford*, *Northumberland*, *Westmoreland*, *Northampton*, and *Accomack*, four days for coming, and four for returning.

XIX. All acts, *&c.* relating hereto repealed.

XX. 9 *Geo.* I. (1723) *cap.* 4. *sect.* 23. No free Negro, Mulatto or Indian whatsoever, shall have any vote at the election of burgesses, or any other election whatsoever.

XXI. 3 and 4 *Geo.* II. (1730) *cap.* 7. No burgess shall take, demand, or receive, any salary or wages for his service in the house of burgesses, for any day on which he fails to attend in the said house, except for such *Sundays* as happen within the time of the session, and for such days as are respectively allowed each burgess, for coming and returning to and from the assembly.

XXII.

XXII. Provided, if any burgeſs is taken ſick, or lame, during his attendance on any ſeſſion, or in his journey to ſuch ſeſſion, ſo that he cannot attend the ſervice of the houſe, he ſhall be paid for every day of ſuch ſeſſion, on which he was unable to attend, as if he had attended.

XXIII. When any ſeſſion of aſſembly ſhall be hereafter held, and it appears upon examination of the treaſurer's accounts, that there will be at leaſt fifteen hundred pounds in his hands, over and above diſcharging all the money-debts due from the public, together with the burgeſſes wages, and the ſalaries of the officers of the aſſembly; then each burgeſs ſhall be paid out of the ſaid public money, ten ſhillings for each day in his coming to, attending at, and returning from the ſaid aſſembly, in lieu of all other demands for his ſaid ſervice: And thereupon the governor, upon the ſpeaker's certificate of the time of each member's attendance, may iſſue his warrant to the treaſurer, for the time being, for payment of ſuch burgeſſes wages, with the pay for the days allowed ſuch burgeſs by law, for travelling to and from the aſſembly, and his ferriages.

XXIV. Provided, any burgeſs obliged to come by water, ſhall be allowed only nine ſhillings *per* day for his wages: And there ſhall be paid for bringing the burgeſſes of any one county, coming by water, for a boat, and two men, if ſuch be employed by them, and their neceſſary proviſion, three ſhillings and ſix pence for each day ſuch boat and hands ſhall be employed in that ſervice.

XXV. The county courts ſhall not levy for, nor the treaſurer pay unto any burgeſs, any wages for thoſe days he fails to attend as aforeſaid, except in the caſe of ſickneſs, or lameneſs, as aforeſaid.

XXVI. The burgeſſes for *Brunſwick*, *Spotſylvania*, and *Prince William* counties, ſhall be allowed four days for coming to, and four for returning from the aſſembly, and the burgeſſes for *Goochland*, *Hanover*, *Caroline*, and *King George*, three days for coming, and three for returning.

XXVII. 3 and 4 *Geo.* II. (1730) *cap.* 10. No ſheriff ſhall be capable

capable to ſit or vote in the aſſembly, but a writ ſhall iſſue to elect a new member in his ſtead.

XXVIII. Every burgeſs while ſuch, ſhall be exempted from being made or appointed ſheriff of any county.

XXIX. Any burgeſs accepting any office of profit, or holding the ſame in his own name, or in the name of any other perſon in truſt for him, or for his uſe and benefit, or executing by himſelf or deputy, any ſuch office or place, ſhall be incapable to ſit or vote in the aſſembly, but a writ ſhall iſſue to elect a new member in his ſtead.

XXX. Any perſon hereby diſabled, and ſitting and voting in any aſſembly, as a member thereof, ſhall forfeit fifty pounds; to be recovered by ſuch perſon as ſhall ſue for the ſame in any court of record, by action of debt, bill, plaint, or information.

XXXI. Provided, any burgeſs hereby diſabled, by reaſon of his accepting an office of profit, may be again elected.

XXXII. 10 *Geo.* II. (1736) *cap.* 2. No perſon ſhall vote at any election of burgeſſes, for any county, who hath not an eſtate of freehold, or other greater eſtate, in one hundred acres of land, at leaſt, if no ſettlement be made upon it; or twenty five acres with a houſe and plantation, in his poſſeſſion, or the poſſeſſion of his tenant or tenants, for years, in the county where he votes. But, if any perſon hath ſuch an eſtate, in one hundred acres of land uninhabited, or upwards, lying in two or more counties, he ſhall only vote in that county, where the greater quantity of the ſaid land lies, although it amount not to one hundred acres in either county.

XXXIII. All eſtates and conveyances made in any fraudulent or colluſive manner, on purpoſe to qualify perſons to vote, ſhall be null and void, to all intents and purpoſes whatſoever; and every perſon hereafter making and executing ſuch conveyance, or being privy to ſuch purpoſe, and deviſing or preparing the ſame, and every perſon by colour thereof, voting for any burgeſs to ſerve for a county, ſhall, for every ſuch conveyance ſo made, or vote ſo created, or given, forfeit forty pounds to any perſon who

ſhall

ſhall ſue for the ſame; to be recovered with coſts, by action of debt, or information, in any court of record.

XXXIV. No perſon ſhall vote for electing any burgeſs in reſpect or in right of any lands or tenements, of which he has not been in poſſeſſion one whole year, before the teſte of the writ, for ſuch election, unleſs the ſame came to him within that time, by decent marriage, ſettlement, or dower.

XXXV. Any perſon being a freeholder in any houſe, and lot, or a houſe, and part of a lot, in any city or town, laid out and eſtabliſhed by act of aſſembly, may vote at ſuch elections; but where the intereſt therein ſhall be divided among ſeveral perſons, but one ſingle voice ſhall be admitted, for one and the ſame houſe or lot.

XXXVI. Where lands are held by ſeveral joint tenants, or tenants in common, but one ſingle voice ſhall be admitted, unleſs the quantity be ſufficient to allot to each joint tenant, or tenant in common, one hundred acres at leaſt, if uninhabited, or twenty five acres, with a houſe, and plantation thereon, in the tenure and occupation of ſuch joint tenant, or tenant in common, or of their tenants.

XXXVII. So much of 4 *Ann cap.* 2. as concerns the oath mentioned *ſect.* 10. is hereby repealed, and hereafter every freeholder, before he is admitted to poll for any burgeſs, for a county, ſhall, if required, take the following oath, or affirmation, if a *Quaker*, to the ſame effect.

YOU ſhall ſwear, *That you are a freeholder in the county of and have at leaſt one hundred acres of freehold lands, unſeated, lying and being in the pariſh of in the county of in your ſole poſſeſſion, or in the poſſeſſion of your tenant or tenants, for years; or that you have one hundred acres of freehold lands unſeated, lying and being in the counties of in your ſole poſſeſſion, or in the poſſeſſion of your tenant or tenants, for years; and that the greateſt part of the ſaid land doth lie in the county of or that you are a freeholder, or ſole owner of a houſe and lot, or a houſe and part of a lot, in your own poſſeſſion,*

session, or in the possession of your tenant or tenants, lying and being in the city or town of · and that such freehold estate hath not been made or granted to you fraudulently, on purpose to qualify you to give your vote; and that you have not been polled before at this election.

Which oath or affirmation the sheriff, undersheriff, or any sworn clerk, appointed to take the poll shall administer; and every person taking the same, and thereby committing wilful and corrupt perjury, or procuring or suborning any person to take the same, whereby he shall commit wilful and corrupt perjury, shall respectively upon conviction, incur the pains and penalties inflicted on persons guilty of perjury, or subornation of perjury, by act of parliament, made in the fifth year of queen *Elizabeth*, intituled, An act for punishment of such persons as shall procure or commit any wilful perjury.

XXXVIII. In taking the poll the sheriff, undersheriff, and clerks, shall enter sworn or affirmed against the name of every such voter, who shall take the said oath or affirmation: And the said sheriff, shall within twenty days next after such election, faithfully deliver upon oath (which oath any justice may and shall administer) to the clerk of the same county court, attested copies of the original poll of such election, without any embezzlement or alteration, to be recorded among the records of such county court.

XXXIX. 10 *Geo.* II. (1736) *cap.* 14. *sect.* 2. The sheriffs of *Accomack* and *Northampton* counties respectively, are discharged from providing vessels and hands for conveying the burgesses over the bay, according to 4 *Ann cap.* 2. *sect.* 22. which, so far as relates thereto, is repeal'd; and the courts of the said counties respectively, shall levy for each of their burgesses attending every future session, five hundred pounds of tobacco, and no more, for his passage across the bay, to and from the same, besides his other allowance by law, except when the burgesses allowances are defrayed out of the publick monies, and in that case, fifty shillings shall be allowed, instead of the said five hundred pounds of tobacco.

CATTLE.

22 *Geo.* II. (1748) *cap.* 42.

§ I. EVERY driver of neat cattle, ſhall immediately after coming into this colony, go before the next juſtice of the county, and produce to him a true and perfect manifeſt, certified under the hand of a magiſtrate in the ſaid province from whence they laſt came, wherein ſhall be diſtinguiſhed the ſexes, ages, marks and colours of all and every ſuch cattle, and alſo at the ſame time produce bills of ſale for them, and particularize the place of abode, and name of the ſeller, and make oath, That he knows of no more cattle in his drove than what are mentioned in the manifeſt, and bills of ſale; which oath the juſtice ſhall adminiſter, and certify on the manifeſt, and ſhall enter in a book by him to be kept for that purpoſe, a copy of the ſaid manifeſt and certificate.

II. If any neat cattle ſhall be bought in this colony, to be driven into any neighbouring province, the driver ſhall produce his bill of ſale to the next juſtice of the county where they ſhall be bought, and ſhall make oath, That the ſaid bill is true, and that he knows of no more cattle in his drove than what are mentioned in the ſaid bill and manifeſt, in caſe there be any, which the juſtice ſhall enter and certify in manner aforeſaid, and ſhall add a deſcription of the cattle ſo bought to the manifeſt, if any; and the like method ſhall be uſed by the drivers and juſtices, in all the other counties in this colony, thro' which they paſs, upon their arrival therein.

III. Any driver failing herein, ſhall forfeit his whole drove of cattle, and any juſtice upon complaint, may iſſue his warrant to the ſheriff, or any conſtable of his county, forthwith to raiſe ſufficient force, and ſeize the cattle, and cauſe the driver or drivers to come before him, or any other juſtice of the county, who may hear the matter, and give a final judgment therein, and order the cattle, if he ſhall judge them forfeited, to be ſold by the ſheriff, in the ſame manner as goods taken in execution; and the ſheriff

ſhall

ſhall be allowed the ſame fee for the ſervice, and alſo be allowed for keeping and providing for the ſaid cattle, until they are ſold, after the rate of two pence *per* head for every twenty four hours, out of the money ariſing from the ſale.

IV. But if any perſon, other than the driver or drivers, ſo convicted, or their employers, ſhall appear before the juſtice, before whom the judgment was obtained, before the cattle are ſold, and make his property in any of them appear, the ſheriff by order of ſuch juſtice, ſhall reſtore the ſame to the owner, upon payment of the charge of their keeping; or, if any owner ſhall within three months after the ſale, make his property appear as aforeſaid, the ſheriff ſhall pay him by order of the juſtice, for his cattle, according to the ſale, after deducting a proportionable part of the charges; and, at the expiration of three months, the money ariſing from the ſale, ſhall be appropriated, one moiety to the church-wardens of the pariſh where the driver ſhall be convicted, for the uſe of the pariſh, and the other moiety to the informer or proſecutor, and ſhall be paid them by the ſheriff accordingly; and the ſheriff ſhall return an account of the ſales to the clerk's office, to be lodged among the records of the county.

V. Provided, nothing herein ſhall extend to any inhabitant of this colony, buying any neat cattle, and driving them home, or to any perſons coming with their families and ſtocks, to ſettle in this colony.

CERTIORARI.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 28.

§ I. NO *certiorari* ſhall be received or allowed by the juſtices of any county or inferior court, after iſſue or demurrer joined in the cauſe, intended to be removed by ſuch writ, but they may proceed therein, as if no ſuch writ had been ſued forth or delivered: And if any cauſe be removed or ſtayed by ſuch writ, and ſhall be afterwards remanded or ſent back again by *procedendo*, or other writ whatſoever, ſuch cauſe ſhall never afterwards be removed or ſtayed, before judgment, by any other

writ whatſoever, to be ſued from the general court, or ſecretary's office.

II. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 27. The party deſiring a *certiorari* when the general court is not ſitting, ſhall petition the governor and the reſt of the judges of the general court, ſetting forth the reaſons thereof, and make oath before a magiſtrate to the truth of the allegations of his petition, and then the governor, and any other two of the judges, may order or refuſe ſuch writ; and the clerk of the ſecretary's office ſhall file ſuch petition and affidavit in the office, and take bond, with one or more ſufficient ſecurities, in ſuch penalty, as ſhall be directed by the ſaid governor and judges, for paying ſuch money or tobacco, and coſts, as ſhall be adjudged to the adverſe party, in the cauſe to be removed; and thereupon the clerk ſhall iſſue ſuch writ, but not otherwiſe.

III. Any perſon convicted of taking a falſe oath in ſuch affidavit, ſhall ſuffer as one convicted of wilful and corrupt perjury; provided he be proſecuted for the ſame, within twelve months after the offence is committed.

IV. No *certiorari* ſhall be granted where the matter in diſpute is not originally cognizable in the general court.

V. If any cauſe be removed or ſtayed by *certiorari*, and after be remanded or ſent back, ſuch cauſe, ſhall never after be removed, or ſtayed, before judgment.

VI. The party praying a *certiorari*, ſhall give notice to the adverſe party, of the time of his moving or petitioning for the ſame, at leaſt ten days before ſuch motion or petition, and no ſuch writ ſhall be granted, without producing an affidavit of ſuch notice.

CHANCERY.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 25.

§ I. IN all ſuits in the county courts in chancery, the following rules ſhall be obſerved.

II.

II, The complainant ſhall file his bill, on the return day of the *ſubpœna*, or upon the firſt appearance of the defendant.

III. The complainant may amend his bill, before the defendant appears, or in a ſmall matter after without coſts; but if he amend, after appearance, and in a material point, whereby the defendant is put to any extraordinary coſts, ſuch coſts ſhall be paid before the complainant ſhall amend.

IV. Where any croſs bill ſhall be preferred, the defendant or defendants in the firſt bill, ſhall anſwer thereto, before the defendant or defendants in the ſecond bill ſhall be compelled to anſwer ſuch croſs bill.

V. Upon the complainant's diſmiſſing his bill, or the defendant's diſmiſſing the ſame, for want of proſecution, the defendant ſhall recover his coſts.

VI. The defendant ſhall file his anſwer at the next court after appearance, and bill filed; or an attachment ſhall be awarded, returnable to the next court; and if no anſwer be put in, upon return of the attachment executed, the bill ſhall be taken *pro confeſſo*, and the matter thereof decreed.

VII. If the attachment be returned not executed, an attachment with proclamation ſhall be iſſued; and if upon the return thereof, no anſwer ſhall be put in, the bill ſhall be taken *pro confeſſo*, and the matter thereof decreed.

VIII. If any defendant ſhall not appear upon attachment returned executed, or, being brought into court, upon any ſuch proceſs, ſhall obſtinately refuſe to anſwer, the bill ſhall be taken *pro confeſſo*, and the matter thereof decreed.

IX. No proceſs of contempt ſhall iſſue without oath made of the ſervice of the *ſubpœna*, unleſs the ſame be returned ſerved by a ſworn officer.

X. Every defendant may ſwear to his anſwer before any juſtice of peace.

XI. The complainant ſhall reply, or file exceptions at the next court after the defendant's putting in his anſwer, or his bill ſhall be diſmiſſed with coſts.

XII. When

XII. When the complainant files exceptions, if the defendant puts in a ſufficient anſwer at the next court, the ſame ſhall be received without coſts; but if the defendant's attorney inſiſts on the ſufficiency of the anſwer put in, and neglects or refuſes to put in a ſufficient anſwer, or puts in another inſufficient anſwer, the plaintiff may ſet down his exceptions, to be argued the next court; and, after exception ſo filed, or any ſecond inſufficient anſwer put in, no other anſwer ſhall be received, but upon payment of coſts.

XIII. If upon argument, the complainant's exceptions ſhall be over-ruled, or the defendant's anſwer adjudged inſufficient, the complainant ſhall pay to the defendant, or the defendant to the complainant, as the caſe ſhall be, ſuch coſts as ſhall be allowed by the court.

XIV. Upon every ſecond or third anſwer adjudged inſufficient, coſts ſhall be doubled.

XV. If any defendant puts in a fourth inſufficient anſwer, which ſhall be ſo adjudged, ſuch defendant ſhall be examined upon interrogatories, and committed till he ſhall perfectly anſwer thoſe interrogatories, and pay coſts.

XVI. If the defendant after proceſs, of contempt, puts in an inſufficient anſwer, which ſhall be ſo adjudged, the complainant need not take out a new *ſubpœna*, but may go on to the attachment with proclamation, as if no anſwer had been put in.

XVII. Where the complainant conceives ſufficient matter to be confeſſed by the defendant's anſwer, he may ſet down the cauſe for, and proceed to hearing.

XVIII. No defendant ſhall put in a rejoinder, unleſs filed at the next court after replication put in, but the complainant may proceed to the examination of witneſſes.

XIX. After an attachment with proclamation returned, no plea or demurrer ſhall be received, unleſs by order of court upon motion.

XX. If the complainant conceives any plea or demurrer to be naught, either for the matter or manner of it, he may ſet it down

down to be argued; or, if he thinks the plea good, but not true, he may take iſſue upon it, and proceed to proofs; and if ſuch plea ſhall be adjudged falſe, the complainant ſhall have the ſame advantage, as if the ſame plea were found falſe by verdict at the common law.

XXI. If a plea be pleaded, or demurrer put in and over-ruled, no other plea or demurrer ſhall be received, but the defendant ſhall anſwer the allegations of the bill.

XXII. The complainant at the next court after a plea or demurrer put in, may have the ſame ſet down to be argued; but if the complainant ſhall not have the ſame ſo ſet down at the ſecond court after plea or demurrer put in, the bill may be diſmiſs'd of courſe with coſts.

XXIII. Upon a plea or demurrer argued and over-ruled, coſts ſhall be paid, as when an anſwer ſhall be adjudged inſufficient, and the defendant ſhall anſwer at the next court; but if adjudged good, the defendant ſhall have his coſts.

XXIV. If any defendant ſhall obſtinately inſiſt on a demurrer, and refuſe to anſwer; or where the court ſhall be of opinion, that ſufficient matter is alledged in the bill to oblige him to anſwer, and for the court to proceed upon, the bill ſhall be taken *pro confeſſo*, and the matter thereof decreed.

XXV. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 38. The following rnles ſhall be obſerved in proceedings in the general court in Chancery.

XXVI. The complainant ſhall file his bill within four days after the day of appearance.

XXVII. Upon the complainant's diſmiſſing his bill, or the defendant's diſmiſſing the ſame for want of proſecution, the complainant ſhall pay coſts, to be taxed by the clerk of the court, for which coſts a *ſubpœna*, or other proceſs of contempt may iſſue, returnable on any return day.

XXVIII. As ſection 3. 4. 8. 9. 13. 16. 19. 21. 24.

XXIX. The defendant ſhall put in his anſwer, to be filed with the clerk in the office, within two months after his appearance;

and

and if no anſwer be then put in, the clerk upon requeſt, ſhall iſſue an attachment returnable to the next court; and if no anſwer is put in, upon the return of ſuch attachment executed, the bill ſhall be taken *pro confeſſo*, and the matter thereof decreed. And if the attatchment be returned, not executed, ſuch further proceſs of contempt, may iſſue as is iſſueable, out of the High Court of Chancery in *England* in like caſes.

XXX. Every defendant, may ſwear his anſwer, before any judge, or juſtice of the general court, or before any juſtice of the peace.

XXXI. The complainant, ſhall reply, or file exceptions, within two months after the defendant's putting in his anſwer, or at the expiration of that time, the defendant may give the complainant, a rule to reply with the clerk of the court in the ſecretary's office, on expiration whereof, if no replication or exceptions be filed, the ſuit ſhall be diſmiſſed with coſts.

XXXII. If the complainant's attorney excepts againſt the anſwer of any defendant as inſufficient, he may file his exceptions, and give a rule with the clerk in the office, to make a better anſwer within two months: if the defendant puts in a ſufficient anſwer before the expiration of ſuch rule, it ſhall be received without coſts. But if the defendant inſiſts on the ſufficiency of the anſwer, or neglects, or refuſes to put in a ſufficient anſwer, or puts in another inſufficient anſwer, the plaintiff may ſet down his exceptions, to be argued the next court; and after the expiration of ſuch rule, or any ſecond inſufficient anſwer put in, no other anſwer ſhall be received, but upon payment of coſts.

XXXIII. Upon a ſecond anſwer adjudged inſufficient, coſts ſhall be doubled.

XXXIV. If any defendant puts in a third inſufficient anſwer, which ſhall be ſo adjudged, ſuch defendant ſhall be examined upon interrogatories, and committed till he perfectly anſwers them, and pays coſts.

XXXV. Upon adjudging any anſwer inſufficient, the complainant may have one *ſubpœna* for coſts, and another to make a better anſwer, or one *ſubpœna* for both at his election.

XXXVI.

XXXVI. Rules to plead, reply, rejoin, and for further proceedings, ſhall be given from month to month, as directed for rules in proceedings at common law.

XXXVII. No defendant ſhall put in a rejoinder, unleſs it be filed within four days after expiration of the rule to rejoin, but the complainant may proceed to examination of witneſſes.

XXXVIII. No rule to rejoin ſhall be given before a replication filed.

XXXIX. If the complainant conceives any plea or demurrer to be naught, for the matter or manner, he may ſet it down with the clerk to be argued; or if he thinks the plea good, but not true, he may take iſſue upon it, and proceed to proofs, giving ſuch notice of hearing as aforeſaid. And if ſuch plea is adjudged falſe, the complainant ſhall have the ſame advantage as if the plea was found falſe by verdict, at the common law.

XL. The complainant a month after a plea or demurrer put in, may cauſe the ſame to be ſet down to be argued; but, if the complainant ſhall not proceed to have the ſame ſo ſet down before the ſecond court after ſuch plea or demurrer put in, the bail may be diſmiſſed of courſe, with coſts.

XLI. Upon a plea or demurrer argued and over-ruled, coſts ſhall be paid, as where an anſwer ſhall be adjudged inſufficient; and the defendant ſhall anſwer within two months after: But if adjudged good, the defendant to have his coſts.

XLII. If any bill be diſmiſſed for want of a replication, or other proceedings, the court, if they ſee cauſe, may order the ſame to be retained, upon motion and payment of coſts.

CHURCHES.

13 *Car.* II. (1661) *cap.* 1.

§ I. BE it enacted, for the advancement of God's glory, and the more decent celebration of his divine ordinances, there be a church decently built in each pariſh of the county, unleſs any pariſh as now ſettled, by reaſon of the fewneſs or poverty of the inhabitants, be incapable of ſuſtaining ſo great a charge;

charge; in which case, It is enacted, That such parishes shall be joined to the next great parish of the county, and that a chapel of ease be built in such place, at the particular charge of that place.

CHURCH-WARDENS.

13 *Car.* II. (1661) *cap.* 15.

§I. THE church-wardens shall, during their church-wardenship, keep the church in repair, provide books and decent ornaments, *viz.* a great Bible, two Common-Prayer Books, a communion cloth and napkin, a pulpit and cushion; and after, annually, something towards communion plate, pulpit cloth and bell, as the ability of the parish will permit: And of all their disbursements and receipts, shall give a true account to the vestry when required, who may give the said church-wardens a sufficient discharge.

CLAIMS.

4 *Ann,* (1705) *cap.* 2. *sect.* 15.

§I. AT the time and place of every election, the sheriff, or in his absence, the under-sheriff, at the door of the court-house, by proclamation to be three times made, between one and three of the clock in the afternoon, shall give public notice of the time appointed for a court to be held, for receiving and certifying to the next session of assembly, the propositions, grievances and public claims, of all persons in his county, which propositions and grievances shall be signed by the person or persons presenting the same to the court; and the chief magistrate then present, or the clerk, by direction of the court, shall certify the same to the assembly, and deliver them to the burgesses for the county, to be by them presented accordingly: And such a court shall be appointed and held in each county, before every session of assembly, of which the sheriff shall cause public notice to be given at every church and chapel in his county.

II. 4 *Ann,*

II. 4 *Ann*, (1705) *cap*. 3. Before every ſeſſion of aſſembly, a court for the proof of public claims, ſhall be held by the juſtices of every county, for which the ſheriff is to appoint a convenient day when the juſtices, and ſheriff, and county court clerk ſhall attend.

III. The ſheriff, or clerk, failing to attend reſpectively, ſhall forfeit one thouſand pounds of tobacco; and every juſtice abſent from the ſaid court, without reaſonable cauſe, five hundred pounds of tobacco, if a ſufficient number of juſtices to hold ſuch court, do not meet: One half of which fines to the queen, for the uſe of the county, the other to the informer; to be recovered by action of debt, bill, plaint, or information, in any court of record.

IV. Every perſon having a public claim, ſhall produce to the court, the warrant or certificate on which it is founded, and exhibit a particular account of the ſervices, or diſburſements, claimed for; and make oath, or give ſome other ſufficient proof, that the ſervices, or diſburſements, are *bona fide* done and performed, and no ſatisfaction received for the ſame.

V. The clerk ſhall, by the burgeſſes of the county, tranſmit the ſaid claims to the aſſembly, with the warrants or certificates on which they are grounded, with a certificate on each claim, that it was proved before the court, which the ſaid clerk ſhall do *ex officio*, where the claim is under one hundred pounds of tobacco; but where any claim exceeds that ſum, he ſhall be allowed twenty pounds of tobacco by the county, for each certificate, provided ſuch claim be allowed by the aſſembly.

VI. No public claim ſhall be allowed by the aſſembly, except proved as aforeſaid, and returned to the firſt or ſecond ſeſſion of aſſembly next after it becomes due, or otherwiſe to be barred.

VII. Every court of claims ſhall cauſe this act to be read by their clerk, at the firſt opening of the court.

CLERGY.

22 *Geo.* II. (1748) *cap.* 13. *sect.* 9.

§ I. WHERE, by any act of parliament made before the fourth year of king *James* the first, the benefit of clergy is taken away, it shall be adjudged to be taken away for the like offence here, in respect to principals and accessories standing mute, or challenging a greater number of the jury, than the law allows.

II. Where a man convicted of felony, may demand the benefit of his clergy, and a woman convicted of the like offence, shall pray to have the benefit of this act, judgment of death shall not be given against her upon such conviction, nor execution awarded upon any outlawry for such offence, but she shall suffer the same punishment as a man should suffer that has the benefit of the clergy allowed him, in the like case; that is to say, shall be burnt in the hand, by the jailor in open court, and be after dealt with, as a man in the like case might be; and any person intitled to the benefit of clergy, and praying to have the benefit of this act, shall not be required to read, but shall be punished as a clerk convict, which shall be as effectual, as if he had read as a clerk, any law or statute notwithstanding.

III. 22 *Geo* II. (1748) *cap.* 38. *sect.* 8. Any Negro, Mulatto or Indian, convicted of any offence, within the benefit of clergy, shall be burnt in the hand, in open court, by the jailor, and suffer such other corporal punishment as the court shall inflict, except on a conviction of man-slaughter, or for the felonious breaking and entering any house in the night time, or for breaking and entering in the day time any house, and taking from thence any goods or chattels to the value of twenty shillings current money, or where he or she had once the benefit of this act; in all which cases he or she shall suffer death.

COIN.

1 *Geo.* II. (1714) *cap.* 1.

§ I. THE ſeveral ſpecies of gold coin, hereafter mentioned, ſhall be current, in all payments here, at the following rates. All pieces of Britiſh gold coin, not milled, and all *Spaniſh* or *French* coined gold, all pieces of coined gold of the empire, all Chequeens and *Arabian* pieces of gold, and Moidores of *Portugal*, and all leſſer pieces of that ſpecies, ſhall paſs at and after the rate of five ſhillings the penny-weight; and all guineas ſhall paſs at twenty ſix ſhillings a piece, and the half guineas in proportion.

II. All old *Britiſh* ſilver coin, not milled, ſhall paſs at the rate of three pence three farthings the penny-weight.

III. If any perſon refuſes to receive any of the aforeſaid coins of gold or ſilver, when tendered in payment of a money debt, contracted after publication of this act, at the value hereby ſet, ſuch perſon ſhall forfeit to the perſon tendering the ſame, ſuch ſum of money as he or ſhe ſo refuſes to take; to be recovered by action of debt, or information in any court of record. And if the ſaid forfeiture be leſs than twenty ſhillings, to be recovered before any juſtice of the county, where ſuch refuſal is made.

IV. If any perſon ſhall coin, counterfeit, falſify or debaſe any of the ſaid coins, or be aiding, conſenting or counſelling therein; ſuch perſon, being thereof lawfully convicted, ſhall be adjudged as guilty of high treaſon, and ſuffer ſuch pains, penalties and forfeitures, as are inflicted on offenders, in ſuch caſes by the laws of *England*.

V. Provided, nothing in this act ſhall extend to any money payment already due, or to the payment of any of his majeſty's revenues ariſing here, or any ſalaries payable out of the ſame, or to any payment to be made, for any debt due on a bill of exchange proteſted, or on any ſpeciality expreſſed to be due in *Sterling* money, or on any debt contracted in *Great Britain*.

VI. Pro-

VI. Provided alſo, that nothing herein ſhall extend to reſtrain his majeſty, from regulating the rates of the ſaid ſeveral coins, in ſuch other manner, as he, by his royal proclamation, or inſtructions to his governor here, ſhall from time to time judge proper.

VII. 1 *Geo.* II. (1727) *cap.* 9. The ſeveral ſpecies of coin, hereafter mentioned, ſhall be current in all payments here, at the following rates: Pieces of eight of *Mexico*, *Sevil*, and Pillar Ducatoons of *Flanders*, Ecues of *France*, or Silver Louis, and Cruzados of *Portugal*, and all halves, quarters, and leſſer pieces of the ſame, ſhall paſs at four pence the penny-weight, and all *Peru* Pieces, Croſs Dollars, and old Rix Dollars of the Empire, and all leſſer pieces of the ſame, ſhall paſs at three pence three farthings the penny-weight, and all *Engliſh* milled ſilver money, ſhall paſs at the rate of ſix ſhillings and three pence the crown piece, and all half crowns, ſhillings, and ſixpences in the ſame proportion.

VIII. If any perſon refuſes to receive any of the aforeſaid coins, or monies, when tendered in payment of a money debt, at the full value ſet by this act, ſuch perſon ſhall forfeit to the party tendering the ſame, ſuch ſum of money, as ſuch perſon ſo refuſes; to be recovered by action of debt, in any court of record, no eſſoin, protection, or wager of law, to be allowed; and if the forfeiture be leſs than twenty ſhillings, to be recovered before any juſtice of the county, where ſuch refuſal is made.

IX. If his majeſty, *&c*. hereafter thinks fit to permit copper money to be brought in and paſs here, the ſame ſhall be current here, at the like rates, as it doth paſs in *Great Britain*.

X. Provided, no perſon ſhall be obliged to take above two ſhillings and ſixpence of the ſaid copper money, in any one payment, above twenty ſhillings, or above one ſhilling of the ſame in any one payment under twenty ſhillings.

XI. If any perſon ſhall coin, counterfeit, falſify or debaſe any of the coins above-mentioned, or be aiding, conſenting or counſelling therein, ſuch perſon being thereof lawfully convicted, ſhall be adjudged as offenders in treaſon, and ſhall ſuffer ſuch pains,

pe-

penalties and forfeitures, as are mentioned in the act of parliamen, 18 *Eliz. cap.* 1.

XII. Provided, nothing in this act ſhall extend to any money payment already due, or to his majeſty's revenues ariſing here, or the ſeveral ſalaries payable out of the ſame, or to any proteſted bills of exchange, or any other ſpecialty limited to be *Sterling* money, or any debt contracted in *Great Britain.*

XIII. Provided alſo, that nothing herein ſhall extend to reſtrain his majeſty from regulating the ſeveral rates of the ſaid coins, in ſuch other manner, as he, by his royal proclamation, or inſtructions to his governor here, ſhall from time to time judge proper.

XIV. The act of 9 *Ann cap.* 10. and ſo much of the act 1 *Geo.* I. *cap.* 1. as relates to aſcertaining the value of the *Britiſh* ſilver coin repeal'd.

XV. No foreign gold coin whatſoever, cut into leſſer pieces, ſhall hereafter be paſſed in any payment here.

CONVICTS.

22 *Geo.* II. (1748) *cap.* 13. *ſect.* 8.

§ I. WHEN any perſon charged with a capital offence, ſhall be examined before the court, for that purpoſe to be ſummoned and held, ſuch court ſhall enquire, by ſuch means as they ſhall think neceſſary, whether ſuch perſon has been convicted in *Great Britain* or *Ireland*, of any felony, or other crime, and there ſentenced to be tranſported for the ſame; and whether the time, for which ſuch perſon was ſentenced to be tranſported, be expired; and if it ſhall appear to ſuch court that the criminal hath been ſo convicted and ſentenced, and that the term of tranſportation is not yet expired, the court ſhall order the ſame to be recorded, and the clerk of the court ſhall certify ſuch record, upon the back of the warrant of commitment to the public goal; and upon ſuch certificate ſo endorſed, the clerk of the general court ſhall not iſſue any writ, to ſummon a jury of freeholders of the county where the fact is alledged to be committed, but ſuch

perſon

person shall be tryed by a jury of by-standers, in the general court, or court of *Oyer* and *Terminer*.

II. Provided, no person shall be qualified to be of such jury, unless he be a freeholder, and possessed of an estate real and personal, of the value of one hundred pounds current money, at the least.

III. Upon every such trial, the prisoner shall have the benefit of challenges, and all other advantages, which he or she might or could have, if the trial was by a jury of the vicinage.

COSTS.

22 *Geo.* II. (1748) *cap.* 7. *sect.* 19.

§ I. IN every cause (except petitions) if the plaintiff recovers or is nonsuit, or where his suit shall be dismissed, or judgment passed for the defendant, the court shall allow in the bill of costs, fifteen shillings, or one hundred and fifty pounds of tobacco for an attorny's fee, if the party employed one, except against executors or administrators, or where the plaintiff may not recover more costs than damages.

II. 22 *Geo.* II. (1748) *cap.* 8. *sect.* 2. In all actions of assault and battery, and slander, commenced and prosecuted in the general court, if the jury find under five pounds; and in the like actions in any county court, if the jury find under forty shillings, the plaintiff shall not recover any costs.

III. In all actions of trespass, and other personal actions, where the court, before whom the trial shall be, shall not be satisfied, and enter upon the record, that the freehold title, or interest of land mentioned in the plaintiff's declaration, was, or might have been in question, or that the trespass was wilful or malicious, if the jury find under forty shillings, the plaintiff shall not recover more costs than damages.

IV. If more costs are awarded, the judgment shall be void, and amended on a motion at any time, by the court who awarded the same; and the party injured shall be redressed, as to such costs so wrongfully awarded, in case the same be levied upon him.

V. Where

V. Where several persons shall be made defendants in any action of trespass, assault, false imprisonment or ejectment; and upon the trial thereof, any one or more of them shall be acquitted by verdict, every defendant so acquitted, shall recover his costs of suit, as if the verdict had been given against the plaintiff or plaintiffs, and acquitted all the defendants; unless the court before whom such cause shall be tried, shall be satisfied, that there was reasonable cause for the making such person or persons, defendant or defendants, to such action, and shall order it otherwise.

VI. In all cases where judgment shall be given for the defendant, he shall recover his costs against the plaintiff, and have execution for the same.

VII. Provided, nothing herein shall extend to executors or administrators, in such cases, where, by the law, they are not liable to the payment of costs of suit.

VIII. 25 *Geo.* II. (1752) *cap.* 13. *sect.* 2. When any indictment shall be preferred to the grand jury in the general court, for any matter or cause whatsoever, not touching life or member, his majesty's attorney general, or the attorney prosecuting for the king, shall, at the foot of the indictment, set down the name or names of the prosecutor or prosecutors, and the place of his or their abode; and if the grand jury shall not find the bill, or the person or persons, so indicted, shall be acquitted by the petit jury, or judgment shall be given for him or them, such prosecutor or prosecutors shall be liable for all costs and charges, occasioned by such indictment, and judgment shall be entred against him or them accordingly; and the clerk of the said court shall tax the lawful fees and allowances to witnesses against him or them as in civil causes, and executions shall issue in the same manner, any law, custom or usage notwithstanding.

IX. 27 *Geo.* II. (1753) *cap.* 1. *sect.* 24. When any final judgment shall be obtained out of court, the clerk shall allow a lawyer's fee in the bill of costs, which fee is hereby declared in all cases in the general court, to be fifty shillings current money, or five hundred pounds of tobacco, at the election of the party ad-

judged to pay the ſame, but no ſuch fee ſhall be taxed againſt executors or adminiſtrators.

X. There ſhall not be allowed in any bill of coſts the charge of more than three witneſſes, to the proof of any one particular matter of fact.

COVENANT.

22 *Geo.* II. (1748) *cap.* 8. *ſect.* 6.

§ I. IN all actions upon any bond, or on any penal ſum, for non-performance of covenants or agreements in any indenture, deed or writing, the plaintiff may aſſign as many breaches as he ſhall think fit, and the jury ſhall aſſeſs damages for ſuch of the breaches, as the plaintiff ſhall prove to have been broken, and on ſuch verdict, the like judgment ſhall be entered, as hath been uſually done in ſuch actions.

II. Where judgment on a demurrer, or by confeſſion, or *nihil dicit*, ſhall be given for the plaintiff, he may aſſign as many breaches of the covenants or agreements, as he ſhall think fit, upon which a jury ſhall be ſummoned to enquire of the truth of every one of thoſe breaches, and to aſſeſs the damages the plaintiff ſhall have ſuſtained thereby, and execution ſhall iſſue for ſo much; and ſuch judgment ſhall remain as a ſecurity to the plaintiff, his executors and adminiſtrators, for any other breaches which may afterwards happen, and he or they may have a *ſcire facias* againſt the defendant, and aſſign any other breach, and thereupon damages ſhall be aſſeſſed, and execution iſſued as aforeſaid.

COUNTIES.

IN 1661. there were but ſeventeen counties; thoſe erected ſince, appear by the following table, which ſhews the time of erection, what counties they were taken from, and the court days.

N.	Countries.		From whence taken.	Time of Erect.	Court day.	Pariſhes.
1	Accomack	10	Northampton	1672	Laſt Tueſd.	Accomack
2	Albemarle	30	Goochland	1744	2 } Thurſd	St. Ann, Tillotſon
3	Amelia	30	Pr. Geo. & Brunſwick	1734	4 }	Raleigh, Nottaway
4	Auguſta		Orange	1738	3 Wedneſd.	Auguſta
5	Bedford	30	Lunenburg	1753	4. Monday	Ruſſell
6	Brunſwick	30	Iſle of Wight & Surrey	1720	4. Tueſday	St. Andrew, Meherrin
7	Caroline	14	Eſſex, K.&Q. &K.W.	1727	2. Thurſday	Dryſdale, St. Mary, St. Margaret
8	Charles City	10	- - - - - - -	- - -	1. Wedneſd.	Weſtover
9	Cheſterfield	14	Henrico	1748	1. Friday	Dale
10	Culpepper	30	Orange	1748	3. Thurſday	S. Thomas, Bromfield
11	Cumberland	30	Goochland	1748	4. Monday	S. James, Southam
12	Dinwiddie	20	Prince George	1752	2. Friday	Bath
13	Elizab. City	10	- - - - - - - -	-----	1. }	Hampton
14	Eſſex	10	Rappahannock	1692	3. } Tueſd.	Southfarnham, S. Ann
15	Fairfax	10	Prince William	1742	3. }	Truro
16	Frederick		Orange	1738	1. }	Frederick
17	Glouceſter	10	- - - - - - - -	-----	4. Thurſday	Petſworth, Abington, Ware, Kingſton
18	Goochland	30	Henrico	1727	3. }	St. James, Northam
19	Hallifax	30	Lunenburg	1752	3. } Tueſd.	Antrim
20	Hampſhire		Auguſta & Frederick	1753	2. }	Hampſhire
21	Hanover	14	New Kent	1720	1. Thurſday	St. Paul, St. Martin
22	Henrico	14	- - - - - - - -	-----	1. } Mond.	Henrico
23	James City	10	- - - - - - - -	-----	2. }	James City
24	Iſle of Wight	20	- - - - - - -	-----	1. } Thurſ.	Newport
25	King George	10	Richmond	1720	1. }	Hanover, Brunſwick
26	K and Queen	10	New Kent	1691	2. Tueſday	S. Steph. Sratton maj.
27	King William	10	King and Queen	1701	3. Thurſday	S. John, St. David
28	Lancaſter	10	- - - - - - - -	----	3. Friday	Chriſt Chur. S. Mary, Wt. Chapel
29	Loudon	20	Fairfax	1757	2. }	Cameron
30	Louiſa	30	Hanover	1742	4. } Tueſd	Fredericksſville
31	Lunenburgh	30	Brunſwick	1746	1. }	Cumberland, Cornw.
32	Middleſex	10	Lancaſter	1675	1. }	Chriſt Church
33	Nanſemund	14	- - - - - - - -	----	2. Monday	Chuckatuck, Suffolk
34	New Kent	10	- - - - - - - -	-----	2. - - - - -	Bliſlans, St. Peter
35	Norfolk	14	Lower Norfolk	1691	3. - - - - -	Elizabeth River
36	Northampton	10	- - - - - - - -	-----	2. Tueſday	Hungars
37	Northumberl.	10	- - - - - - - -	-----	2. Monday	Wiccocomico, S. Step.
38	Orange	30	Spotſylvania	1734	4. Thurſday	St. Mark
39	Pr. Edward	30	Amelia	1753	2. } Tueſd.	St. Patrick
40	Prin. George	20	Charles City	1702	2. }	Briſtol, Martinſbrand.
41	Prin. William	20	K. George and Stafford	1730	4. Monday	Hamilton, Dettingen

N.	Counties.		From whence taken.	Time of Erect.	Court day.	Parishes.
42	Princess Ann	20	Lower Norfolk	1691	3. Tuesday	Linhaven
43	Richmond	10	Rappahannock	1692	1. Monday	Northfarnham, Lunenburgh
44	Southampton	20	Isle of Wight	1748	2. Thursday	Nottoway
45	Spotsylvania	14	Essex	1720	1. } Tuesd.	St. George
46	Stafford	10	Westmorland	1675	2. } Tuesd.	Overwharton, St. Paul
47	Surrey	20	- - - - - - - -	-----	3. } Tuesd.	Southwark
48	Sussex	20	Surrey	1753	2. Monday	Albemarle
49	Warwick	10	- - - - - - - -	-----	1. Thursday	Warwick
50	Westmorland	10	- - - - - - - -	-----	Last Tuesd.	Washington, Cople
51	York	10	- - - - - - - -	-----	3. Monday	Charles, Yorkhampton, Bruton
	Lower Norfolk } Rappahannock }		Changed their Names. { 1691 { 1692			
52	Williamsburg		Court of Hustings	-----	1. Monday	

COUNTY COURTS.

22 *Geo.* (1748) *cap.* 7. *sect.* 1.

§ I. IN every county a monthly court shall be held, by the Justices thereof, at the places already assigned, or others to be lawfully appointed for that purpose, on their respective days herein after limited, and at no other time or place; which courts shall be called county courts, and consist of eight or more justices commissionated by the governor or commander in chief; any four of which (*quorum unus*) may hear and determine all causes depending in the said court.

II. Every person so appointed a justice, before his executing the said office, shall publickly in the court-house of his county, on a court day, take the oaths appointed, or which shall be appointed to be taken by act of parliament, take and subscribe the oath of abjuration, repeat and subscribe the test, and take the following oaths, *to wit*,

III. The

III. The OATH of a Juſtice of the Peace.

YOU ſhall ſwear, *That as a juſtice of the peace in the county of in all articles in the commiſſion to you directed, you ſhall do equal right to the poor and to the rich, after your cunning, wit, and power, and according to law; and you ſhall not be of council of any quarrel hanging before you; and the iſſues, fines, and amerciaments that ſhall happen to be made, and all forfeitures which ſhall fall before you, you ſhall cauſe to be entered without any concealment or imbezzling: You ſhall not let for gift, or other cauſes, but well and truly you ſhall do your office of a juſtice of the peace, as well within your county court as without; and you ſhall not take any fee, gift, or gratuity, for any thing to be done by virtue of your office; and you ſhall not direct any warrant by you to be made to the parties, but you ſhall direct them to the ſheriff or bailiffs of the ſaid county, or other the king's officers or miniſters, or other indifferent perſons to do execution thereof.*

So help you God.

IV. The Oath of a Juſtice of the County Court in Chancery.

YOU ſhall ſwear, *That well and truly ye will ſerve our ſovereign lord the king, and his people, in the office of a juſtice in the county court of in chancery; and that you will do equal right to all manner of people, great and ſmall, high and low, rich and poor, according to equity and good conſcience, and the laws and uſages of this colony and dominion of* Virginia, *without favour, affection or partiality.* So help you God.

V. Any perſon executing the office of a juſtice, without qualifying himſelf in the manner herein before directed, ſhall, for every ſuch offence, forfeit three hundred pounds; one moiety to the king, the other to the informer; to be recovered by action of debt in any court of record.

VI. The ſaid county courts ſhall be held every month, on the reſpective days mentioned in the liſt of the counties.

VII. And

VII. And every adjournment ſhall be to the next ſucceeding court in courſe, and not otherwiſe.

VIII. Provided, if the buſineſs cannot be determined on the court day, the juſtices may adjourn from day to day, till all cauſes then depending be determined, or continued, as hereafter directed.

IX. The ſaid courts ſhall have cognizance of all cauſes, at the common law, or in chancery, within their reſpective counties, except criminal cauſes, puniſhable with loſs of life, or member; and proſecutions to outlawry, and cauſes of leſs value than twenty five ſhillings current money, or two hundred pounds of tobacco, which cauſes of leſs value, ſhall be finally determinable by any one juſtice of the peace, who may give judgment, and thereon award execution againſt the goods and chattels of the defendant, which ſhall be executed and returned by the ſheriff or conſtable to whom directed, as other writs of *fieri facias*, but he ſhall not grant any execution againſt the body of the defendant.

X. 19 *Geo.* II. (1746) *cap.* 8. *ſect.* 14. The juſtices of the ſeveral county courts, ſhall annually appoint two or more fit perſons of their number to inſpect the clerk's office of their county, and to report to the next court the condition in which they find the papers and records.

XI. 22 *Geo.* II. (1748) *cap.* 28. *ſect.* 5. Every contract, agreement and order made by the juſtices of any county court, concerning building or repairing bridges, making cauſeways, and other neceſſary charges, in ſuch manner as to them ſhall ſeem moſt proper, ſhall be good againſt themſelves and their ſucceſſors.

CREDITORS.

18 *Geo.* II. (1744) *cap.* 1. *ſect.* 2.

§ I. IF in any ſuit for relief in equity in the general court, any defendant againſt whom any *ſubpœna* or other proceſs iſſues, ſhall not cauſe an appearance to be entered within ſuch time, and in ſuch manner, as, according to the rules of court, the ſame ought to be entered, if ſuch proceſs had been duly ſerved,

ed, and an affidavit ſhall be made to the ſatisfaction of ſuch court, that ſuch defendant is beyond ſea; or, upon enquiry at his or her uſual place of abode, he or ſhe could not be found to be ſerved with ſuch proceſs, the ſaid court may not only make any order to reſtrain and enjoin any perſon in this colony, having any effects belonging to ſuch defendant in their hands, or in any other manner debtor to ſuch defendant from paying, conveying away, or ſecreting ſuch debts or effects, until the further order or decree of the ſaid court; but may (if it ſeem neceſſary) order ſuch effects to be delivered to the plaintiff, ſubject to the future order and decree of the ſaid court, upon ſuch plaintiff's giving ſuch ſecurity as to the ſaid court ſhall ſeem proper, for the return of the ſaid effects, in ſuch manner, and to ſuch perſons, as the ſaid court ſhall adjudge: And the ſaid court ſhall alſo make an order, directing ſuch defendant to appear, at a certain day therein to be named of the next court; and a copy of ſuch order ſhall, within fifteen days after ſuch order made, be inſerted in the *Virginia Gazette*, for two months ſucceſſively, and publiſhed on ſome Lord's day, immediately after divine ſervice, in ſuch pariſh church or churches, as the ſaid court ſhall direct; and in every caſe, a copy of ſuch order ſhall, within the time aforeſaid, be poſted up at the front door of the capitol, in the city of *Williamſburg*: And, if the defendant do not appear within the time limited by ſuch order, or within ſuch further time as the court ſhall appoint; then, on proof made of ſuch publication of ſuch order, the court being ſatisfied of the truth thereof, may order the facts of the plaintiff's bill to be taken *pro confeſſo*. But if the matter or cauſe of ſuch ſuit, be for the ſettlement of any account, and for ſatisfaction of what ballance may appear due thereon, the court may either, by appointing auditors, or in any other manner, proceed to the ſettlement of ſuch account, and make ſuch order and decree thereupon, as ſhall be thought juſt, and may iſſue proceſs to compel the performance of ſuch decree, either by immediate ſequeſtration of the real and perſonal eſtate and effects of the defendant (if any ſuch can be found) or ſuch part thereof, as may be ſufficient to ſatisfy the plaintiff's demand,

or

or by cauſing the poſſeſſion of the eſtate or effects demanded by the bill to be delivered to the plaintiff, or by continuing the effects (if any) ſo ordered to be delivered on the return of the *ſubpœna* as aforeſaid, or ſuch part thereof, as may be ſufficient to ſatisfy the plaintiff's demand and coſts of ſuit, in the plaintiff's hands, or give ſuch further relief or remedy, as the nature of the caſe ſhall require. And the ſaid court may likewiſe order ſuch plaintiff to be paid his demands out of the eſtate or effects ſo ſequeſtred, according to the true intent and meaning of ſuch decree, ſuch plaintiff firſt giving ſufficient ſecurity in ſuch ſum as the court ſhall think proper to abide ſuch order, touching the reſtitution of ſuch eſtate or effects, as the court ſhall think proper to make concerning the ſame, upon the defendant's appearance to defend ſuch ſuit, and paying ſuch coſts to the plaintiff as the court ſhall order: But in caſe ſuch plaintiff ſhall refuſe or neglect to give ſuch ſecurity as aforeſaid, the ſaid court ſhall order the eſtate or effects ſo ſequeſtred, or whereof poſſeſſion ſhall be decreed to be delivered, to remain under the direction of the court, either by appointing a receiver thereof, or otherwiſe, as to ſuch court ſhall ſeem meet, until the appearance of the defendant to defend ſuch ſuit, and his paying ſuch coſts to the plaintiff, as the ſaid court ſhall think reaſonable, or until ſuch order ſhall be made therein, as the court ſhall think juſt.

II. If any defendant by *habeas corpus*, or any other proceſs iſſuing out of the ſaid court, ſhall be brought into court, and refuſe or neglect to enter his appearance, according to the rules and method required by the ſaid court, or to appoint any attorney of ſuch court, to act in his behalf, ſuch court may appoint an attorney thereof, to enter an appearance for ſuch defendant; and ſuch proceedings may thereupon be had in the cauſe, as if the party had actually appeared.

III. Provided, if the perſon againſt whom any decree ſhall be made, upon refuſal or neglect to enter an appearance, or to appoint an attorney to act in his behalf, ſhall be in cuſtody, or forthcoming, ſo that he may be ſerved with a copy of ſuch decree, then he

he ſhall be ſerved with a copy thereof, before any proceſs taken out, to compel the performance thereof.

IV. Provided, if any decree be made in purſuance of this act, againſt any perſon out of the colony, or abſconding as aforeſaid, at the time ſuch decree is pronounced, and ſuch perſon ſhall within ſeven years after making ſuch decree, return or become publicly viſible, he ſhall be ſerved with a copy of ſuch decree, within a reaſonable time after his return, or public appearances ſhall be known to the plaintiff: And if any defendant againſt whom ſuch decree ſhall be made, ſhall within ſeven years after making thereof, die before his return to this colony, or appearing openly as aforeſaid; or ſhall within the time laſt before-mentioned, die in cuſtody, before his being ſerved with a copy of ſuch decree, then his heir, if ſuch defendant has any real eſtate ſequeſtred, or whereof poſſeſſion ſhall have been delivered to the plaintiff, and ſuch heir may be found; or if ſuch heir be a feme covert, infant or *non compos mentis*, the huſband, guardian or committee of ſuch heir; or if the perſonal eſtate of ſuch defendant be ſequeſtred, or poſſeſſion thereof delivered to the plaintiff, then his executor or adminiſtrator, (if any ſuch there be) ſhall be ſerved with a copy of ſuch decree, within a reaſonable time after it ſhall be known to the plaintiff that the defendant is dead, and who is his heir, executor or adminiſtrator, or where he may be ſerved therewith.

V. Provided, if any perſon ſo ſerved with a copy of ſuch decree, ſhall not within twelve months after ſuch ſervice appear, and petition to have the ſaid cauſe reheard, ſuch decree ſhall ſtand abſolutely confirmed againſt the perſon ſo ſerved with a copy thereof, his heirs, executors and adminiſtrators, and all perſons claiming under him, by virtue of any act ſubſequent to the commencement of ſuch ſuit.

VI. Provided, if any perſon ſo ſerved with a copy of ſuch decree, ſhall not within twelve months after ſuch ſervice, or if any perſon not ſo ſerved, ſhall, within ſeven years next, after making ſuch decree, appear in court, and petition to be heard with the reſpect to the matter of ſuch decree, and ſhall pay down or give ſecurity for payment of ſuch coſts, as the court ſhall think rea-

ſonable, the perſon ſo petitioning his repreſentatives, or any perſon claiming under him, by virtue of any act before the commencement of the ſuit may be admitted to anſwer the bill exhibited, and iſſue may be joined, and witneſſes on both ſides examined; and ſuch other proceedings, decree and execution may be had thereon, as might have been, if the ſaid party had originally appeared, and the proceedings had then but newly begun, or as if no former decree or proceedings had been in the cauſe.

VII. Provided, if any perſon againſt whom ſuch decree ſhall be made, his heirs, executors or adminiſtrators, ſhall not within ſeven years after making ſuch decree, appear and petition for ſuch rehearing, and pay or give ſecurity for payment of ſuch coſts, as the court thinks reaſonable, ſuch decree ſhall ſtand abſolutely confirmed againſt ſuch perſon, his heirs, executors and adminiſtrators, and all perſons claiming under him, by virtue of any act ſubſequent to the commencement of ſuch ſuit; and at the end of ſuch ſeven years, the court may make ſuch further order, as ſhall be juſt and reaſonable, according to the circumſtances of the cauſe.

CRIMINALS.

22 *Geo.* II. (1748) *cap* 13. *ſect.* 1.

§ I. WHEN any perſon not being a ſlave, ſhall be committed to any county goal, by precept from a juſtice for any criminal offence, ſuch juſtice ſhall iſſue his warrant to the ſheriff to ſummon the juſtices of the county to meet at their court houſe, at a time appointed in the ſaid warrant, not leſs than five, nor above ten days after the date thereof, to hold a court for examining the priſoner, and all witneſſes and circumſtances of the fact, wherewith he or ſhe ſtands charged, and to conſider whether as the caſe appears to them, he or ſhe may be diſcharged from further proſecution, or may be tried in the county, or muſt be removed to be tried at the general court, or court of *Oyer* and *Terminer*, which warrant the ſheriff ſhall execute and by virtue thereof, the ſaid juſtices may meet, and hold court for the purpoſes afore-

aforesaid, and if upon examination, before such court, they shall be of opinion that the prisoner ought to be tried before the general court, or court of *Oyer* and *Terminer*, they shall enter their opinion upon record, and remand the prisoner to the county goal, and thereupon any two justices of the said court, *(quorum unus)* by precept under their hands and seals, directed to the keeper of the public goal, may remove the said prisoner to the said public goal, there to remain till thence delivered by due course of law; by virtue whereof, the sheriff, as soon as he can conveniently, shall remove and deliver the said prisoner, with such precept to the keeper of the public goal, who shall receive and safely keep such prisoner: And the said two justices by warrant under their hands and seals, may impower the said sheriff as well within his own county, as in all other counties and places he shall pass through with the said prisoner, to impress such and so many men, horses, sloops or boats, as shall be necessary for the safe conveying the said prisoner to the said public goal, which warrant the sheriff or officer is authorized to execute, and all persons are required to give due obedience to such sheriff or officer, proceeding therein as the law directs upon impressing, in other cases, for the public service: But where the court shall be of opinion that the fact may be tried in the county, he or she shall be bound over to the next grand jury court, to be held for that county, for trial; or upon refusing to give sufficient bail, shall be remanded to the county goal, there to remain, until such court, or until he or she shall be bailed.

II. If any prisoner so remanded, shall be bailable, he or she shall not be removed from the county to the public goal, in less than twenty days after such remanding; but shall and may be bailed within that time, or at any time afterwards before trial.

III. Upon every commitment of any person for a criminal offence, the justice or justices committing him or her, shall cause all the witnesses to enter into recognizance for their appearance to give evidence at the trial; and if, upon the first commitment, the prisoner shall desire any witnesses on his or her behalf, to appear before the examining court, the sheriff, upon request, shall

forthwith ſummon ſuch witneſſes to attend the ſaid court; and, if, after being examined or committed to the public goal, the priſoner ſhall deſire any witneſs or witneſſes to be ſummoned, the ſheriff or goaler ſhall immediately give notice thereof to the county court clerk, or clerk of the ſecretary's office, who ſhall forthwith iſſue one or more *ſubpœnas* for ſuch witneſſes to appear, and give evidence at the trial.

IV. When any general court, or court of *Oyer* and *Terminer*, is ſitting, the keeper of the public goal, by order of ſuch court, may impreſs a guard for the ſafe keeping of all ſuch priſoners in his cuſtody.

V. The fee due to the ſheriff, or publick goaler, for keeping and dieting any ſuch priſoner, ſhall be five pounds of tobacco *per* day, and no more.

VI. Where the criminal ſhall be convicted, and hath eſtate ſufficient to defray the charge of proſecution, the whole ſhall be paid out of the delinquent's eſtate; and the county and public only then chargeable, where no eſtate, or not ſufficient, can be found or diſcovered.

VII. In all trials for capital offences, the priſoner upon his petition to the court, ſhall be allowed counſel.

DECLARATIONS.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 19.

§ I. THE plaintiff, or demandant, in any ſuit, ſhall file his declaration before, or at the firſt calling of the cauſe in court, and no *incipitur* ſhall be filed, or received in lieu of a declaration.

II. If the plaintiff or demandant fails to file his declaration, or to appear and proſecute his ſuit, he ſhall be nonſuit.

III. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 24. In all perſonal actions, the plaintiff ſhall file his declaration within a month after the defendant's appearance, entered in the ſecretary's office, or on failure ſo to do, or to appear and proſecute, ſhall be non-ſuit.

DEEDS.

DEEDS.

9 *Ann*, (1710) *cap*. 13.

§I. NO estate of inheritance in fee simple, fee tail, general or special estate, for life or lives, or any greater or higher estate in any lands, tenements, or hereditaments, shall pass, or take effect, in any person, or any use thereof be made by bargain and sale, lease and release, deed of settlement, to uses, feoffment, or other instrument, unless made by writing, indented, sealed and recorded, in the general court, or court of the county, where the lands, *&c.* lie, within eight months from the sealing and delivery, if the grantor be a resident within this colony; or within two years from such sealing and delivery, where the grantor is a resident of any other place.

II. Provided, no such bargain and sale, lease and release, deed of feoffment, or other instrument, shall be admitted to record, unless acknowledged in court, by the person or persons, making or sealing the same, or by some, or one of them, or proof made of such making and sealing, upon oath, by three witnesses at least.

III. Any conveyance in writing, indented and sealed by husband and wife, and by them personally acknowledged in the general court, or county court, as aforesaid, (the wife being first privately examined, whether she doth voluntarily assent thereto) is, and shall be as valid in law, to convey all the estate and title which such wife may or shall have in any lands, tenements, or hereditaments so conveyed, whether in right of dower, fee simple, or any other estate (not being fee tail) as if done by fine and recovery, or any other ways or means whatsoever.

IV. All deeds for land, heretofore acknowledged and recorded, or registered in the council books, or recorded in any other county court than where the lands lay; and all deeds for land, *bona fide* made, though not indented, or sealed, or having no valuable consideration therein expressed; all assignments endorsed on patents, and all deeds *bona fide* made, and proved in court, by

by the oaths of two or more credible witneſſes, to have been the acts and deeds of the perſon therein mentioned, to have ſealed and delivered the ſame, and a record thereof made; and all ſuch deeds, ſo *bona fide* made, where livery and ſeiſin might have been requiſite, where the perſon to whom the ſame hath been conveyed, hath actually entered thereupon, and they and thoſe who have their rights, do ſtill continue in poſſeſſion thereof, by virtue of ſuch deeds, ſhall reſpectively be as valid in law, and take ſuch effect, as fully to the benefit of all perſons reſpectively, in poſſeſſion thereby, and to their heirs and aſſigns, as if ſuch deeds were recorded within ſix months, according to the former law, in the general court, or in that county court where the lands lay; and, as if they were indented and ſealed, and a valueable conſideration therein expreſſed; and, as if the ſaid aſſignments had been made, and the lands therein mentioned, conveyed in due form of law; and, as if ſuch deeds had really been acknowledged in court, by the grantor himſelf in perſon; and, as if livery of ſeiſin had been on ſuch deeds, made in due form of law, and not otherwiſe, any law, ſtatute or cuſtom notwithſtanding.

V. Provided, nothing herein ſhall be conſtrued, ſo as to confirm any lands, tenements, or hereditaments, to any other perſons than thoſe now in actual poſſeſſion thereof, and ſuch as, from time to time, hereafter, ſhall claim under them.

VI. When any deeds, for lands, *&c.* ſhall be hereafter acknowledged or proved, in any court, in order to be recorded, the livery of ſeiſin thereupon made (where the ſame is by law required) ſhall alſo be acknowledged or proved, and recorded with ſuch deed.

VII. 8 *Geo.* II. (1734) *cap.* 6. All deeds, mortgages, and other ſettlements and conveyances, for any lands, tenements, or hereditaments, heretofore *bona fide* made and executed, whether by deed, poll, or otherwiſe, ſhall be good, valid and binding, between the parties thereto, and their heirs, notwithſtanding the ſame have not been acknowledged, or proved, and recorded.

VIII. For a greater ſecurity to creditors and purchaſers, all bargains, ſales, and other conveyances of lands, tenements, and here-

hereditaments for paſſing any eſtate of freehold, or inheritance, or term of years, and all deeds of ſettlement upon marriage, wherein lands, ſlaves, money, or other perſonal thing, ſhall be ſettled or covenanted, to be left, or paid, at the death of the party, or otherwiſe; and all deeds of truſt ſhall be void, as to all creditors, and ſubſequent purchaſers, unleſs they be acknowledged, or proved, and recorded, according to the directions of 9 *Ann*, *cap*. 13. And all ſuch deeds and conveyances heretofore made, ſhall be void, unleſs they be acknowledged, or proved, and recorded, after paſſing this act in the general court, or in the counties where the lands, or other things lie, or the parties live, within the ſeveral times in the ſaid act of 9 *Ann* limited, (ſee *ſect*. 3.) but the ſame, as between the parties, ſhall notwithſtanding be valid and binding.

IX. A memorial of all bargains, ſales, mortgages, or other conveyances, marriage, ſettlements, and deeds of truſt, whereby any eſtate, real or perſonal, of any perſon within this colony, may be charged or incumbered, ſhall be regiſtred in the ſecretary's office, in books to be kept for that purpoſe; which memorial ſhall contain the date of the deed or conveyance, the names, ſurnames, and additions of the parties thereto, the conſideration mentioned therein, the quantity of land conveyed, ſettled or mortgaged, and where the ſame ly, and the number and names of the ſlaves, and deſcription of the perſonal eſtate (if any be) ſold, ſettled, or mortgaged; and the clerk of every county court, ſhall, twice in every year, in *April* and *October*, tranſmit to the ſecretary's office, memorials of all ſuch deeds, ſettlements, mortgages, or other conveyances, as have been acknowledged, or proved, and recorded in their reſpective county courts, the preceeding half year: And for all ſuch of the ſaid deeds, as ſhall be acknowledged in the general court, the clerk of the ſecretary's office, ſhall enter the memorials thereof in the regiſter to be kept by him, as aforeſaid.

X. The clerk of the general court, or of any county court, may iſſue a commiſſion, to two or more commiſſioners, being juſtices in the county, where the feme ſhall reſide, for receiving

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the acknowledgment of any deed of ſuch feme covert, for paſſing her eſtate in any lands, tenements, or hereditaments, and ſuch deed acknowledged before them, after they ſhall have examined her privily-and a-part from her huſband, touching her conſent, and certified the judges, before whom the commiſſion is returnable, thereof, ſhall be recorded with the commiſſion and return, and ſhall be as effectual, as if perſonally acknowledged in court by ſuch feme covert: And where any ſuch deed hath been heretofore acknowledged before commiſſioners, and they have certified the privy examinations and acknowledgment, as aforeſaid; the ſame ſhall be adjudged valid.

XI. Where a deed hath been acknowledged by a feme covert, and no record made of her privy examination, ſuch deed ſhall always be adjudged not to be binding upon the feme, or her heirs, and the clerks of the courts, before whom any deed of a feme covert ſhall be acknowledged, ſhall always hereafter record her privy examination.

DEER.

12 *Geo.* II. (1738) *cap.* 14.

§ I. ANY perſon who ſhall hunt, ſhoot, or kill any buck running wild in the woods, between the firſt day of *December*, and the laſt day of *July* yearly; or any doe, or fawn, ſo running, between the firſt day of *January*, and the laſt day of *September* yearly; or ſhall buy, or receive ſuch, of any *Indian*, or other perſon, ſhall forfeit twenty ſhillings for every buck, doe, or fawn, ſo killed, bought, or received, recoverable before any juſtice of the county where the offence is committed, upon conviction, by the oath of one ſufficient witneſs, or confeſſion of the party.

II. If any ſervant, or ſlave, by command of his or her maſter, miſtreſs, or overſeer, ſhall ſo hunt, ſhoot, or kill, or buy, or receive any deer ſo killed, the party giving ſuch command, ſhall be liable to the like penalties reſpectively; but if ſuch ſervant or ſlave, cannot prove ſuch command, he ſhall receive, by order

order of ſuch juſtice, for every ſuch offence, twenty laſhes, unleſs ſecurity be given for payment of the fine, within ſix months after ſuch conviction.

III. Provided, any freeholder, or houſekeeper, may kill any kind of deer in his corn fields, or other incloſed grounds, where any grain is growing.

IV. Provided alſo, any perſon living, or being upon the frontiers of this colony, may kill any deer for food, for the neceſſary ſubſiſtence of himſelf, or family, ſo as he does not ſell or diſpoſe of the ſkin of any deer ſo killed; and if any ſuch perſon ſhall be proſecuted for ſo doing, the *onus probandi* that he killed it for food, for neceſſary ſubſiſtence, ſhall lie upon him.

V. Any perſon buying, or receiving into his or her houſe, any dear, ſkin or ſkins, commonly called, red ſkins, upon conviction before a juſtice, in manner aforeſaid, ſhall forfeit ten ſhillings for every ſkin ſo bought or received.

VI. Every conſtable, may ſearch in all ſuſpected places for all red ſkins of any deer, killed contrary to the directions hereof, and bring the ſame before ſome juſtice of the county where the offender reſides; and if ſuch offender does not prove, that ſuch ſkin was taken from a deer, within his or her incloſed grounds, tended as aforeſaid, ſuch juſtice ſhall immediately give judgment againſt the offender, for the penalty aforeſaid.

VII. Every county court, ſhall yearly in *January*, or the next ſucceeding court, adminiſter to every conſtable in the county, an oath, well and truly to preſent to the next juſtice, all offences againſt this act; and every ſuch juſtice, ſhall immediately iſſue his warrant, to bring ſuch offender before him, and give judgment, and award execution againſt the goods and chattels of ſuch offender, for the penalties herein before inflicted, reſpectively.

DISCONTINUANCE.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 24.

§ I. NO proceſs, depending in any county court, ſhall be diſcontinued, by reaſon of the juſtices failing to hold

court, on the day appointed by law, but ſhall ſtand continued; and all returns and appearances, ſhall be made to the next ſucceeding court, as if it was the court to which ſuch proceſs was continued, or ſuch returns or appearances ſhould have been made; and all recognizances, bonds, and obligations for appearance, and all returns, ſhall be of the ſame force, and enjoin the appearance of any perſon, at ſuch ſucceeding court, as if expreſly mentioned: And if any juſtice be a party, in any ſuit, or matter, in any county court, and there ſhall not be juſtices enough preſent, to make a court, according to this act, beſides the juſtice or juſtices concerned, ſuch ſuit, or matter, ſhall ſtand continued to the next ſucceeding court, as aforeſaid.

DISCOUNT.

22 *Geo.* II. (1748) *cap.* 33. *ſect* 6.

§ I. WHEN any ſuit ſhall be commenced, for any debt, due by judgment, bond, bill, or otherwiſe, the defendant ſhall have liberty, upon trial thereof, to make all the diſcounts he can againſt ſuch debt; and upon proof thereof, the ſame ſhall be allowed in court.

DISTRESS.

22 *Geo.* II. (1748) *cap.* 10. *ſect.* 9.

§ I. IF any perſon, holding lands of his majeſty, fails to pay the quit-rents due for the ſame; or, if any perſon, indebted for public county, or pariſh levies, ſhall not diſcharge the ſame, within the time limited by law, the ſheriff, or collector may diſtrain any of the ſlaves, goods, or chattels found upon the lands, or in the poſſeſſion of the perſon ſo indebted, or failing, notwithſtanding ſuch ſlaves, goods, or chattels ſhall be comprized in any deed of mortgage; and, if the owner thereof, ſhall not pay the quit-rents, or levies due, within five days, after ſuch diſtreſs, ſuch ſheriff, or collector, may by auction ſell the ſame, or ſo much thereof, as ſhall be ſufficient to ſatisfy the ſaid quit-

quit-rents, or levies, and the charges of distress and sale; but shall give notice of the day and place of sale, at the church of the parish wherein such distress shall be, by setting up a note thereof, before the service begins, at some convenient, or usual place, near such church, and by publishing the same in the church-yard, immediately after divine service, on the next sunday after the expiration of the said five days, which sale, shall not be in less than three, nor more than six days, after notice so given, and shall be good and effectual in law, against every person claiming any right, title, or interest in, or to any of the said slaves, goods or chattels.

II. Provided, no sheriff, or other officer, or collector of levies, or officers fees, shall take unreasonable seizures, or distresses, or seize or distrain the slave or slaves of any person, for any quit-rents; public county or parish levies, or officers fees, if other sufficient distresses can be had, upon penalty of being liable to the action of the party grieved, grounded upon this act, wherein the plaintiff shall recover his full costs, though the damages given do not exceed forty shillings.

III. 22 *Geo.* II. (1748) *cap.* 15. *sect.* 1. Where any goods or chattels shall be distrained for rent reserved, and due upon any demise, lease or contract whatsoever, and the tenant or owner of the goods so distrained, shall not within ten days next after such distress taken, and notice thereof, with the cause of such taking, left at the chief mansion house, or other most notorious place, on the premisses, charged with the rent distrained for, replevy the same, by sufficient security given to the sheriff or officer serving such distress, to pay the money or tobacco and all costs, with lawful interest for the same; at the end of three months such sheriff or officer, shall, and may sell the goods and chattels so distrained, by public auction, to the highest bidder, either for money or tobacco, according as the rent reserved, shall be due and payable, as goods or chattels taken in execution; and all bonds and securities taken upon such sale, shall be returned by the sheriff or officer, and be of the like force, and leviable when

due, in the same manner as bonds taken upon executing a writ of *fieri facias*.

IV. When distress shall be made for tobacco, between the last day of *Sept*, and last day of *December* in any year, and the goods distrained shall not be replevied as aforesaid; such goods shall be sold, and security taken for paying the tobacco, by the first day of *January* then next; and the bonds taken for the same, and costs of seizure and sale, shall be by the officer delivered to the landlord, for whom distress was made.

V. If any distress and sale be made, under colour of this act, where in truth no rent is arrear or due, the owner of the goods so distrained and sold, his executors or administrators, by action of trespass, or upon the case, shall recover against the person or persons so wrongfully distraining, or either of them, his, her or their executors or administrators, double the value of the goods and chattels distrained and sold, together with full costs of suit.

VI. Upon any pound, breach or rescous of goods distrained for rent, the person grieved, in a special action upon the case, shall recover treble damages and costs of suit, against the persons making such breach or rescous, or against the owner of the goods distrained, if they be found to have come to his use or possession.

DIVINE SERVICE.

32 *Car.* II. (1680) *cap.* 13.

§ I. WHOEVER shall appear in any church or chapel, whilst the minister is exercising his ministerial function, and shall disturb him, by words, or any other manner, or shall there appear in any unseemly or undecent gesture, any sheriff, justice or other officer then present, shall put such person so offending, under restraint during divine service, who shall also for the first offence, be fined two hundred pounds of tobacco and cask, and for every such offence committed after in the like quality, five hundred pounds of tobacco and cask, which fines shall be levied by

by the ſheriff, upon the eſtate of the offender, by warrant under the hand of a juſtice for the uſe of the pariſh.

II. Any juſtice refuſing or neglecting to put this law in ſevere execution, ſhall be fined five hundred pounds of tobacco and caſk, to the uſe of the pariſh for every ſuch neglect.

DOGS.

12 *Geo.* II. (1738) *cap.* 14.

§. I. NO perſon, ſhall keep any beagles or hounds, running at large, but ſuch ſhall be conſtantly kept in the kennels, or couples, or with clogs, except at ſuch times as they are uſed in hunting, by the owner, or his ſervants, under the penalty of five ſhillings, for every beagle, or hound, ſo going at large.

II. 28 *Geo* II. (1755) *cap.* 10. No ſlave in *Accomack, Charles City, Elizabeth City, Eſſex, Fairfax, Glouceſter, Goochland, James City, King George, King and Queen, King William, Lancaſter, Middleſex, Nanſemund, New Kent, Norfolk, Northampton, Northumberland, Prince George, Prince William, Princeſs Ann, Richmond, Spotſylvania, Stafford, Warwick, Weſtmorland,* and *York,* ſhall, in going from one plantation to another, carry any dog, except as hereafter excepted; or any perſon may kill ſuch dog, and the ſlave ſo offending, ſhall, on complaint to a juſtice, receive ten laſhes on the bare back.

III. No more than two dogs ſhall be kept at any Negro quarter, in the counties aforeſaid, at one time; and if more be found to belong to the ſame quarter, any perſon may kill every dog at ſuch quarter, above that number, by order of any juſtice; and the ſeveral conſtables at the time of their viewing tobacco fields, in the ſaid counties, ſhall examine into the number of dogs kept at the ſeveral Negro quarters, in their precincts, and to kill and deſtroy every dog kept thereat, exceeding two.

IV. Any juſtice upon due proof to him of any dogs killing ſheep, may order ſuch dog to be deſtroyed forthwith.

V. Provided, no perſon ſhall be hindered from ſending his ſlave or ſlaves from place to place, with his hounds, ſpaniels,

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pointing or ſetting dogs, for diverſion, as before making this act.

VI. This act to continue in force three years, and thence to the end of the next ſeſſion of aſſembly.

DUTIES.

4 *Ann* (1705) *cap.* 27.

§ I. THE maſter of every veſſel coming here for trade, or being here, and deſigning to lade any tobaccos, ſkins, furrs, or other goods, or merchandizes for exportation, at his entry, and before he be permitted to break bulk, and trade, or to lade any goods or merchandizes, ſhall give bond, with one ſurety to the king, his heirs and ſucceſſors, that he will not depart with his veſſel from the diſtrict or port where ſhe is entered, until payment of the ſeveral cuſtoms, duties, impoſitions and fees due from the ſaid veſſel, or for any tobaccos, ſkins, furrs or other goods and merchandizes, laden in her, nor until the ſaid veſſel be duly cleared by the collector, and naval officer of the ſaid diſtrict or port, which bond, if the veſſel be under fifty tons, ſhall be fifty pounds; if above fifty, and under one hundred tons, for one hundred pounds; if one hundred tons or above, for two hundred pounds; and ſuch bond upon due clearing with the officers aforeſaid, ſhall be delivered back; but ſhall be wholly forfeited without any relief in equity, in caſe the condition thereof be broken.

II. The maſter of every veſſel upon clearing, ſhall make oath, before the officer with whom he clears, what tobaccos, ſkins, furrs, or other goods, or merchandizes then laden on board his ſaid veſſel, and that he will not afterwards lade any more tobaccos, *&c.* (for which any cuſtom, duty or impoſition, is to be paid; or which the law requires to be entered) without a lawful permit from the officer of the diſtrict, where ſuch tobaccos, *&c.* are to be laden.

III. The cuſtoms, duties or impoſitions for any tobaccos, ſkins, furrs or other goods, or merchandizes laden on board any veſſel for exportation, ſhall be paid to the collector or receiver of the ſaid

ſaid cuſtoms, duties or impoſitions, in the diſtrict or port where the ſaid veſſel rides, when the ſame are laden, and to no other, tho' they be brought from another diſtrict or port.

IV. On ſuſpicion of fraud or concealment, or that the maſter makes a falſe report of his lading, the naval officer and collector of the diſtrict, or either of them, for diſcovery thereof, may examine upon oath, the mate, boatſwain, or other of the ſailors belonging to the ſaid veſſel, as alſo any other perſons they think fit.

V. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 2. There ſhall be paid to the king, the duty of twenty ſhillings for every coach, chariot, and other four wheel'd carriage (waggons excepted) and ten ſhillings for every chair, and two wheel'd chaiſe, by the owner thereof; and every ſuch owner before the tenth day of *April* yearly, ſhall deliver a liſt of each and every ſuch carriage, to the clerk of the court of the county where the owner reſides, under the like penalty; and to be recovered in the ſame manner as is directed by the act of aſſembly, in caſe of concealing titheables, which clerk ſhall forthwith tranſmit a copy of ſuch liſt to the treaſurer, and another copy thereof to the ſheriff of the county, who ſhall collect, levy, account for, and pay the ſame to the treaſurer, in the ſame manner as the duties above-mentioned.

VI. And alſo, the further duty of twenty ſhillings for every ordinary licence, to be paid down by the perſon obtaining the ſame, to the clerk of the court where ſuch licence ſhall be granted.

VII. And two ſhillings and ſixpence for every original writ in any action or ſuit at common law, and *ſubpœna* in chancery in the general court, for every ſummons on a petition for lapſed lands, and for every caveat entered in the ſecretary's office.

VIII. And one ſhilling and three pence for every writ or *ſubpœna* in the county, or other inferior court, to be paid down by the plaintiff in ſuch ſuit, to the clerk of ſuch court, before ſuch writ, *ſubpœna* or ſummons, ſhall be iſſued, or caveat entered, but not taxed in the bill of coſts, and together with the duty on ordinary licences, accounted for upon oath, and paid by ſuch clerk

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to the said treasurer in the months of *April* and *October* yearly, deducting after the rate of five *per centum* for his trouble.

IX. If any such clerk shall neglect, or refuse to account for, and pay the said duties by him received, the general court, or the court whereof he is clerk, upon a motion by the treasurer, may give judgment against such clerk for all the said duties so by him received, and thereon award execution, provided that ten days previous notice be given of such motion.

X. This act to be in force three years.

XI. 23. *Geo.* II. (1755) *cap.* 3. The duties imposed on coaches, chariots, chairs, ordinary licences, and writs, by 27 *Geo.* II. *cap.* 1. *sect.* 5, 6, 7, 8. continued for three years, from *February* 14. 1755.

XII. Provided, where it is necessary in the general court, to sue out several *capias*'s in one suit at common law, or several *subpœnas* in chancery, the plaintiff or plaintiffs, shall not be obliged to pay the duty for more than one writ, or *subpœna*.

DUTY on HORSES.

22 *Geo.* II. (1748) *cap.* 42. *sect.* 5.

§ I. THERE shall be paid to the king, his heirs, *&c.* for every horse, mare or colt, brought into this colony for sale, from any place or port whatsoever in *America*, ten pounds by the owner or importer thereof, to be appropriated to such uses as the general assembly shall from time to time direct.

II. The general or commander in chief, with the advice of the counsel, may appoint such and so many collectors of the duty as he thinks fit, which collectors shall reside near the frontiers of this colony, and shall be allowed a salary of six in the hundred for receiving the same, and shall account with the treasurer for the time being, in such manner, and under such penalty as the collectors of the duty upon liquors are obliged to account.

III. The importer of every horse, mare and colt, liable to the said duty, shall within six days next after his arrival in this colony, and before he offers the same to sale, make a true and just

entry upon oath, with the next collector of the duty, of the ſize, colour, mark or brand of every ſuch horſe, mare or colt, and alſo, of the name and place of abode of the owner, and laſt owner thereof; and ſhall pay down at the ſame time, the duty, or give bond to the ſaid collector, with one ſecurity; at the leaſt, being a known and reſponſible inhabitant of this colony, for the payment of the ſaid duty within three months.

IV. The importer failing to make ſuch entry, pay down the duty, or give ſuch ſecurity as aforeſaid, or making a falſe entry, ſhall forfeit one hundred pounds; and every horſe, mare and colt by him imported, ſhall and may be ſeized by any magiſtrate or officer whatſoever, and ſhall be forfeited and ſold.

V. Any collector of the ſaid duty, or other perſon deputed by him, or any other authority, who ſhall directly or indirectly, take or receive any bribe, recompence or reward, in any kind whatſoever, or connive at any falſe entry, of any horſes mares, or colts, liable to duty by this act, by means whereof the duty ſhall be loſt, ſhall forfeit one hundred pounds, and be for ever after diſabled in his ſaid office, and rendered incapable of holding any office or employment, relating to the cuſtoms, within this colony, and the perſon giving or paying ſuch bribe, reward or recompence, ſhall forfeit one hundred pounds.

VI. Provided, if the importer of any horſes, mares, or colts, of which the duty ſhall be paid, or ſecured to be paid, ſhall, within three months after the importation thereof, be willing to export the ſame, he ſhall make oath before the collector, with whom they were entered at importation, that the horſes, mares, or colts, to be exported, are the ſame that were entered, and that he hath not ſold or ſwapped them ſince their entry, and that the ſaid horſes, mares or colts, ſhall be exported out of this colony, within three days, and ſhall not be ſold or ſwapped therein; and then the ſaid collector, ſhall allow the ſaid importer the whole duty paid for the ſaid horſes, mares, or colts, ſo to be exported.

VII. Every perſon making a falſe oath in this reſpect, ſhall be liable to the penalties inflicted by law, for wilful and corrupt per-

jury, and ſuch horſes, mares or colts, ſo to be exported, ſhall be forfeited and ſold.

VIII. Every collector, upon receipt of the duty, or taking bond for the ſame, ſhall give a receipt for the money by him received, or bond taken, expreſſing the number of horſes for which the ſame were paid, or bond taken, and the time of payment, or taking thereof, with a deſcription of ſuch horſes, to the perſon paying or giving the ſame.

IX. Every importer liable to the payment of the ſaid duty, ſhall, if required by any officer or magiſtrate, after the expiration of three days from the time of ſuch importation, produce to the ſaid officer or magiſtrate, ſuch receipt; and if ſuch importer ſhall fail to produce the ſame, ſuch failure ſhall be taken for a conviction, that the duty for which no receipt ſhall be produced, hath not been duly anſwered; and ſuch importer ſhall be liable to the penalties inflicted by this act, and ſuch horſes may be ſeized and forfeited, for not making an entry.

X. Provided, nothing herein ſhall extend to any traveller, who ſhall bring with him into this colony ſuch horſes as are neceſſary for his journey, and ſhall not ſell or ſwap the ſame in this colony; or to any perſon who ſhall be actually moving his family into this colony, to reſide therein.

XI. The ſeveral forfeitures ariſing in reſpect of the duty on horſes, ſhall be one moiety to the king, and the other to the informer or proſecutor; to be recovered with coſts by action of debt or information in any court of record.

DUTY on LIQUORS.

19 *Geo.* II. (1746) *cap.* I.

§ I. FROM and after the tenth day of *June* next, there ſhall be paid by the owner or importer, two pence *per* gallon duty, for every gallon of rum, brandy, or other diſtilled ſpirits; and for every gallon of wine, during the term of four years; and one other duty of one penny for every gallon of the ſaid liquors imported, during the term of eleven years; and one penny duty

for

for every gallon of cyder, beer or ale imported, during the aforesaid term of four years, (all such liquors directly imported from *Great Britain* excepted.)

II. The master or purser of every vessel importing liquors liable to duty, shall, within forty eight hours after arrival, make a true report upon oath, with the collector of the duties on liquors, in the port, or place of his arrival, of the burthen and lading of such vessel, with the marks and numbers of every cask therein laden with liquors, and to whom consign'd, to the best of his knowledge; and where, and in what port the same were laden, upon penalty of forfeiting one hundred pounds current money.

III. No such liquors shall be landed, before due entry made as aforesaid; and a true account of the marks, numbers and contents of every cask, at the port of landing, on oath, before the said collector, or some justice of the peace, of this colony, who shall certify the same on the back of the original invoice of such liquors, or a true copy thereof; and then such importer paying the duties, or securing the payment, shall obtain a permit under the hand of such collector, for landing the same: And all liquors landed, or delivered, contrary to the intent of this act, or the value thereof, shall be forfeited, and may be seized or recovered, by any officer of the customs, of the port or place where landed, or any other person whatsoever: And the owner or importer of any such liquors by land, shall, in like manner, make due entry of the same, within six days after importation, with the collector appointed in pursuance of this act, and give a true account of the quantity on oath, and pay the duty, or give bond, with good security, for payment in six months, and thereon obtain a permit under the hand of such collector, for selling or using the same; otherwise such liquors, or the value thereof, shall be forfeited, and may be recovered or seized, by any person whatsoever.

IV. Upon importation of wine, the owners or importers shall have liberty to enter a pipe at one hundred gallons; and all less casks after the same proportion.

V. Every perſon convicted of making a falſe entry, wittingly or willingly, ſhall forfeit one hundred pounds current money.

VI. The collectors of the ſaid duties, and their deputies may go on board any veſſel, and from thence bring on ſhore any liquors liable to this duty, if the ſaid duty be not paid, or agreed for, within ten days after the firſt entry of the ſaid veſſel, or bond with good ſecurity, for payment thereof, in ſix months after ſuch entry; which bond, if offered, the collector ſhall take, and ſecure, and detain ſuch liquors, until due entry and payment, or ſecurity given as aforeſaid, and may ſtay on board till all ſuch liquors be diſcharged out of the ſame; and any ſuch collector, or other perſon, deputed and appointed under him, directly or indirectly, taking any bribe or reward, in any kind whatſoever, or conniving at any falſe entry of liquors liable to the duty, ſhall forfeit one hundred pounds current money, and be for ever diſabled in his ſaid office, and rendered incapable to hold any office or employment, relating to the cuſtoms in this colony; and the perſon giving or offering ſuch bribe or reward, ſhall forfeit one hundred pounds current money.

VII. Any collector of the duties aforeſaid, by warrant from a juſtice (not to be granted, but upon information made upon oath) and accompanied with a conſtable, may break, in the day time, any houſe, ware-houſe, or ſtore-houſe, to ſearch for, ſeize, and carry away any liquors, for which the duties ſhall not have been paid or ſecured, as aforeſaid; and any ſuch collector or conſtable, ſued for any thing done in execution of the powers hereby given, may plead the general iſſue, and give this act in evidence, and ſhall recover double coſts, if the plaintiff in ſuch ſuit ſhall be nonſuited, or judgment paſſes againſt him; and in all ſuits or ſeizures, the *onus probandi* ſhall lie on the perſon claiming the property of ſuch liquors.

VIII. Every perſon, other than the maſter or owner of the veſſel, importing the ſame, to whom ſuch liquors ſhall be conſigned, ſhall, on the importation thereof, pay ſuch maſter or owner, the duties payable for the ſame; and on refuſal to pay the ſame, or give bond with ſecurity for payment thereof, to

ſuch

ſuch maſter or owner, when the ſame ſhall become payable, he may detain ſuch liquors until the duty ſhall be paid or ſecured, as aforeſaid.

IX. If the owner, or importer of any liquors, for which the duty ſhall be paid, or ſecured to be paid, within ſix months after importation, ſhall deſire to export the ſame, or any part thereof, he ſhall give a particular account of the contents, marks, and numbers of the caſks to be exported, to the collector of the diſtrict whence the ſame is to be exported, with the names of the perſons from whom they were bought; and ſhall ſubſcribe, and make oath thereto before ſuch collector; and alſo ſwear, that the ſame ſhall directly be carried out of this colony, and not ſold, delivered, or put on ſhore within the ſame, or brought back again, without making a new entry, and paying the duty; and give the ſaid collector an account in what veſſel the ſame was entered at importation, with the oath of the importer, that the duty thereof was at the entry paid or ſecured, according to law; and then the ſaid collector where the duty was paid or ſecured, ſhall allow ſuch importer the whole duty paid for the ſaid liquors ſo to be exported: But if ſuch liquors be exported to *Maryland*, the exporter ſhall produce to ſuch collector a certificate from under the hand of the officer of the cuſtoms in *Maryland*, that the ſaid liquors were entered and landed there, before ſuch exporter ſhall be intitled to the drawback thereof.

X. No drawback ſhall be allowed to any perſon exporting liquors by land.

XI. Any importer of liquors, deſirous to tranſport the ſame from one diſtrict to another, ſhall, before he departs out of the diſtrict where ſuch liquors are taken on board, make oath before the collector of the duties there, or ſome juſtice there, that he hath duly entered ſuch liquors, and paid, or ſecured the payment of the duties thereof; and alſo, deliver on oath, an account of the true quantity ſo taken on board for tranſportation; and that he will not take, or ſuffer to be taken, any more on board, and ſhall take a certificate of the ſaid collector or juſtice, of the quantity of liquors then on board, and that ſuch oath hath been

made

made thereto, which certificate being produced to the collector of the duties in the district to which they shall be transported, shall be a sufficient warrant to the owner to sell the same in such district. And all such liquors transported by water from one district to another, and landed or sold without producing such certificate, as aforesaid, to the officer into whose district the same are transported, shall be liable to seizure and forfeiture.

XII. If any person shall pay any of the duties, *&c.* by this act, in good money by him imported, and make oath he did import the same, and not carry it out of this colony with intent to bring it back; and that it was not exchanged in any adjacent province for money carried hence, to obtain any benefit thereby, he shall, on producing a certificate of such oath, have an abatement of fifteen per *cent.* in all duties so paid; and every collector of the said duty shall make such allowance, until the sum imported is paid away; and on payment of any lesser sum, such collector shall indorse the sum by him received, on the back of such certificate.

XIII. Where any person becomes bound for the payment of the said duties; and shall not pay the same at the time limited, whether such bond be payable to the king, or collector of the duties, such collector may sue, out of the general court, or court of the county, where such person, or his securities reside, one or more writs of *scire facias*, in the name of the king, his heirs and successors, returnable to the said court, against such person and his securities, their executors or administrators, to shew cause why execution should not issue against them, for the said duties, and to sue out execution accordingly.

XIV. One third of the forfeitures arising by this act, shall be to the king, *&c.* towards support of this government; one third to the governor, for his own use; and the other third to the informer; to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record.

XV. The governor, with advice of the council, may appoint such and so many collectors of the duties laid by this act upon liquors, with such salaries, not exceeding six in the hundred, as to him shall seem best.

XVI. All money raiſed by the ſaid duties (the charges of collecting, managing and accounting for the ſame excepted) ſhall be accounted for, and paid by the ſeveral collectors thereof, to the treaſurer, upon oath, to be adminiſtred by the ſaid treaſurer, who ſhall account, upon oath, for the ſame to the aſſembly; and the duties of two pence *per* gallon on wine, rum, brandy, and other diſtilled ſpirits; and of one penny *per* gallon on cyder, beer, and ale, (over and above the neceſſary charges aforeſaid,) ſhall be applied as the aſſembly ſhall direct, for leſſening the levy by the poll, or defraying any public expence, and for no other uſe whatſoever. And all money raiſed out of the duty of one penny *per* gallon on wine, rum, brandy, and other diſtilled ſpirits, by this act impoſed as aforeſaid, ſhall be appropriated to the relief of the college of *William* and *Mary*, during the aforeſaid term of eleven years; and ſhall be paid by the treaſurer half yearly, in equal portions, unto the preſident and maſters of the college, and their ſucceſſors, for the founding ſcholarſhips, and ſuch other good uſes, for the better ſupport of the college, as ſhall be directed by the majority of the viſitors and governors of the ſaid college, and ſhall be accounted for to the aſſembly.

XVII. All *Madeira* wine imported by the governor, lieutenant governor, or governor and commander in chief, for the time being, for his own uſe, not exceeding ten pipes in a year, are exempted from the duty hereby impoſed.

XVIII. All collectors of the ſaid duties ſhall account with the treaſurer, on the twenty fifth of *April* and twenty fifth of *October* yearly, or within fifteen days after, under forfeiture of one half of their commiſſions to be deducted out of their accounts by the treaſurer, and by him carried to the credit of the public treaſury.

XIX. 22 *Geo.* II. (1748) *cap.* 52. The act of 19 *Geo.* II. *cap.* 1. ſhall continue in force, from *June* 10th. 1751. for four years, and not longer.

XX. For every gallon of rum, brandy, and other diſtilled ſpirits; and every gallon of wine imported after *January* 1. 1748. except from *Great Britain*, an additional duty of one penny ſhall be paid by the importer, for four years from thence, and not longer;

longer; to be collected, levied and paid, in the same manner, within the same time, and under the same penalties, as the duties of two pence, and one penny, by the 19 *Geo.* II. *cap.* 1. and to be drawn back upon exportation, and subject to the abatement and allowance of 15 *per cent.* when paid in money imported; and to be by the respective collectors thereof accounted for, and paid to the treasurer of *Virginia* for the time being, in the same manner, at the same time, and to the same uses, as the said duty of two pence is by the said act of 19 *Geo.* II. *cap.* 1. directed to be accounted for and paid.

XXI. 25 *Geo.* II. (1752) *cap.* 2. The clause in 22 *Geo.* II. *cap.* 52. *sect.* 20. shall continue in force until *June* 10th. 1755.

XXII. 27 *Geo.* II. (1753) *cap.* 5. The duty of two pence *per* gallon on rum, brandy, spirits and wine; and one penny upon cyder, beer and ale; and the additional duty of one penny *per* gallon upon rum, brandy, spirits and wine, shall continue to be raised, levied, collected, paid and applied in the same manner, and to the uses, intents and purposes directed by the 19 *Geo.* II. *cap.* 1. and 22 *Geo.* II. *cap.* 52. for three years from *June* 10. 1755.

XXIII. 28 *Geo.* II. (1755) *cap.* 4. For every gallon of brandy, rum, and other distilled spirits, not being of the produce of some of his majesty's sugar islands, imported here by land or water, except directly from *Great Britain*, or some of his majesty's sugar colonies, there shall be paid an additional duty of four pence by the owner or importer, over and above all other duties payable for the same, for the term of three years, from *August* 1. 1755. which additional duty shall be paid, collected and accounted for, in the same manner, and under the same regulations, restrictions and penalties, as the duties on liquors by the 19 *Geo.* II. *cap.* 1.

XXIV. If any disputes shall arise, whether any brandy, rum, or other distilled spirits, were imported directly from *Great Britain*, or some of his majesty's sugar islands, being the produce thereof, or not, the *onus probandi* in every such case shall lie on the owner or importer thereof.

XXV.

XXV. Nothing herein ſhall hinder any ſhips, or other veſſels, belonging to *Bermuda*, from importing directly from thence, any rum, or other diſtilled ſpirits, being the produce of his majeſty's ſugar iſlands.

XXVI. 30 *Geo.* II. (1757) *cap.* 13. The duties of two pence *per* gallon upon rum, brandy, ſpirits and wine; and one penny upon cyder, beer and ale; and the additional duty of one penny per gallon, upon rum, brandy, ſpirits and wine, further continued for three years.

XXVII. One other duty of one penny *per* gallon upon rum, brandy, and other diſtilled ſpirits, and wine imported, laid by 19 *Geo.* II. *cap.* 1. and appropriated to the uſe of the college of *William* and *Mary*, for the term of eleven years, which will expire *June* 10. 1758. ſhall be continued for three years from that time.

XXVIII. 30 *Geo.* II. (1757) *cap.* 14. The act of 28 *Geo.* II. *cap.* 4. further continued for three years, from *Auguſt* 1. 1758. when it would have expired.

DUTY on SKINS and FURRS.

4 *Ann*, (1705) *cap.* 29.

§ I. THERE ſhall be paid to her majeſty, *&c.* for the better ſupport of the college of *William* and *Mary* in *Virginia*, the following duties, cuſtoms and impoſts, for the following goods exported by land or water.

	d.
For every raw hide,	3
every tanned hide,	6
every dreſt buck-ſkin,	1 3/4
every undreſt buck-ſkin,	1
every doe-ſkin dreſt,	1 1/2
every undreſt doe-ſkin,	3/4
every pound of beaver,	3
every otter-ſkin,	2
every wild cat-ſkin,	1 1/2

For every mink-ſkin, ——— ——— ———	1
every dozen of racoon-ſkins, and ſo proportionably,	3
every dozen of muſk-rat-ſkins, and ſo proportionably,	2
every elk-ſkin, ——— ——— ———	4½
every fox-ſkin, —— —— —— ——	1½

II. The ſaid duties ſhall be paid by the exporter to the collectors appointed by the governor, with the advice of the council, before the ſaid ſkins or furrs are carried out of the colony, and a certificate thereof obtained from the collector of the diſtrict where ſuch ſkins or furrs ſhall be exported, ſignifying the payment of ſuch duties, under the penalty of forfeiting ſuch of them as ſhall be laden on board any veſſel, in order for exportation by water, or endeavoured to be carried out by land; one moiety to the queen, *&c.* the other to the informer: To be recovered with coſts, in any court of record, by action of debt, bill, plaint, or information.

III. The ſeveral collectors of the ſaid duties, ſhall account and pay the ſame to the governors of the college of *William* and *Mary*, or ſuch perſons as ſhall be by them lawfully deputed; and for receiving and paying, ſuch collectors ſhall be allowed ſix *per cent.*

IV. 8 *Geo.* II. (1734) *cap.* 15. No ſkins or furrs, ſhall be hereafter packed (for exportation) with any other thing; and every perſon, intending to export any, ſhall, before ſhipping, make oath before ſome juſtice of the county where he lives, to the ſeveral parcels intended to be ſhipped, and the number, and kinds of them, and pounds of beaver, if any therein contained, and that no other thing is packed therein, which oath ſhall be certified, as aforeſaid, and the certificate delivered to the naval officer, by the maſter of the veſſel, before clearing, who ſhall receive the duty from the owner, accounting all deer ſkins ſo ſhipped, to be one third buck, and two thirds doe ſkins.

V. Where any perſon ſhall be found travelling on the frontiers, with any ſkins or furrs, any juſtice, ſheriff, or conſtable of the county, may ſeize the ſame, unleſs ſuch perſon produces

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a certificate, under the hand of ſome juſtice in this colony, that he is an inhabitant of this colony, and ſhall make oath, that he will not carry, or cauſe the ſaid ſkins or furrs to be carried into any other province or colony, without paying the duty; one moiety of the ſaid ſkins, *&c.* ſo ſeized, to the ſeizor; and the other to the king, *&c.* for the better ſupport of the college of *William* and *Mary*.

VI. Where any hides, ſkins, or furrs, ſhall be exported by land or water, contrary to this act of 4 *Ann*, *cap.* 29. the owner ſhall forfeit the value thereof; the moiety of the penalties by this act inflicted, not otherwiſe diſpoſed of, to the king, *&c.* for the better ſupport of the ſaid college; the other to the informer: To be recovered with coſts, by action of debt, or information, in any court of record.

VII. 12 *Geo.* II. (1738) *cap.* 11. *ſect.* 7. The governor or commander in chief, for the time being, with the advice of the council, may appoint one or more collector or collectors of the duties upon ſkins and furrs exported by land, who ſhall reſide near the frontiers of this colony, who ſhall be allowed a ſalary of ten in the hundred for receiving the ſaid duties; and ſhall account for the ſame, in ſuch manner as other collectors of the ſaid duties are obliged to account.

VIII. If any pedlar, or other perſon, be found travelling towards any other colony, with any ſkins or furrs, beyond the place where ſuch collector or collectors uſually reſide; and upon demand made by an inhabitant of this colony, ſhall refuſe to produce and ſhew a certificate, that the duties thereof have been paid, ſuch ſkins and furrs, may be ſeized by any perſon, who ſhall immediately carry them to the next juſtice of peace, who ſhall receive the ſame: And, if the owner of the ſkins and furrs ſhall not, within two months after ſuch ſeizure, make ſufficient proof before ſuch juſtice, or the county court, that he has paid the duty for the ſaid ſkins and furrs, they ſhall be forfeited, and ſold by order of the ſaid county court, to the higheſt bidder; and one half of the money ariſing by ſuch ſale, after charges deducted, to be to his majeſty, *&c.* for the better ſupport of the college of

William and *Mary*; and the other half to the ſeizor: And if the owner, within the time aforeſaid, make due proof, before the ſaid juſtice, of the duty being paid, the ſaid juſtice ſhall deliver back the ſaid ſkins and furrs to the ſaid owner, on paying down ten ſhillings to the perſon who ſeized the ſame.

IX. 18 *Geo.* II. (1744) *cap.* 9. One other duty of two ſhillings and ſix pence for every raw hide, and five ſhillings for every tanned hide, exported by land or water, ſhall be paid by the owner or exporter thereof, to be entered, collected, paid and accounted for, in the ſame manner, and under the ſame penalties, and appropriated to the ſame uſes, as the duties on ſkins and furrs, by 4 *Ann*, *cap.* 29. and 8 *Geo.* II. *cap.* 15.

X. 19 *Geo.* II. (1746) *cap.* 9. Every collector of the duties on ſkins and furrs, now appointed, or to be appointed, who ſhall export ſkins or furrs liable to a duty by land or water, ſhall firſt make oath before a juſtice of peace, to the true number and kind of ſkins and furrs, and the weight of beaver by him intended to be exported, and to what port or place, and obtain a certificate of ſuch oath by him made; and ſhall return ſuch certificate and account for the duties, in the ſame manner, and at the ſame time and times, as he ſhall account for duties by him collected from other perſons, under the penalty of forfeiting double the value of the ſkins or furrs exported, without ſuch oath made, and duty accounted for and paid; to be recovered in the name of his majeſty, by action of debt, in any court of record, within this dominion; one moiety to his majeſty, for the ſaid college of *William* and *Mary*; the other moiety to the informer.

DUTY on SLAVES.

25 *Geo.* II. (1752) *cap.* 1.

§ I. FROM paſſing this act for four years, a duty of five pounds *per cent.* on the account of each reſpective purchaſe of any ſlave or ſlaves imported for ſale, by land or water, ſhall be paid in ſuch manner, and with ſuch allowances, as herein after directed.

II. Every

II. Every importer or ſeller of any ſlave imported for ſale, ſhall, within thirty days after finiſhing the ſale of ſuch ſlave or ſlaves, deliver, or cauſe to be delivered, to the treaſurer upon oath, a true manifeſt or account of all the ſlaves by him ſold; the name and place of abode of every buyer, the reſpective prices for which the ſame were ſold; and whether for *Sterling* or current money: And if ſold for tobacco, or any other commodity, the ſeller ſhall ſet a value in current money upon the ſaid ſlave or ſlaves ſo ſold; and the buyer ſhall be chargeable with, and pay the ſaid duty, according to ſuch valuation.

III. Where the contract is for *Sterling*, the buyer ſhall pay for the difference of money, after the rate of twenty five *per cent.* on the *Sterling*; and the importer or ſeller ſhall, in the ſame manifeſt, render an account of all the ſlaves imported in the ſaid veſſel, and ſold, belonging to the maſter, or any other officer on board, commonly called priviledged ſlaves.

IV. If any buyer be not an inhabitant of this colony, he ſhall pay the duty to the ſeller, who ſhall demand, receive, and account for the ſame to the treaſurer, as aforeſaid, deducting ſix *per cent.* for his trouble.

V. Every importer or ſeller of ſlaves, neglecting or refuſing to deliver ſuch manifeſt, within the time by this act required; or failing to pay the duties by him received, or concealing any part thereof, ſhall pay one thouſand pounds current money, recoverable with coſts, by the ſaid treaſurer, in any court of record by him to be applied to the ſame uſes, intents and purpoſes, as the ſaid duty is directed to be applied.

VI. The treaſurer, as ſoon as conveniently may be, after receipt of ſuch manifeſt, ſhall tranſmit to the ſheriff of every county wherein the buyers reſpectively reſide, liſts of the names of ſuch buyers, and the ſum due from each of them for the duty aforeſaid; and every ſheriff is required to receive ſuch liſts to him directed, and to demand, collect and receive of every perſon therein named, reſiding within his county, the ſum therein ſpecified to be due from each perſon reſpectively; and, in caſe of

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nonpayment, to levy the ſame by diſtreſs, in like manner as he is by law directed to diſtrain for levies and other public debts.

VII. And every ſuch ſheriff ſhall, on or before the twenty fifth day of *April* yearly, account with, and pay to the ſaid treaſurer, the ſeveral ſums by him received upon ſuch liſts, deducting only ſix *per cent.* for his trouble in collecting and paying the ſame.

VIII. If any ſheriff ſhall neglect, or refuſe to account and pay, as aforeſaid, for the whole amount of the liſts to him tranſmitted, after the deduction aforeſaid made, and an allowance for perſons not dwelling, nor having any effects in his county, the ſaid treaſurer, upon motion in the general court, or in the court of the county of ſuch ſheriff, may demand judgment againſt him for all the monies due by the liſts tranſmitted him to collect; and ſuch court ſhall give judgment accordingly, provided the ſheriff have ten days previous notice of ſuch motion.

IX. Provided, if any perſon chargeable with the ſaid duty, ſhall pay the ſame in money of his own importation, purſuant to *ſect.* 12. title, *Duty on Liquors*, ſuch perſon ſhall have an abatement or allowance of fifteen *per cent.* out of the duties ſo paid; and the ſheriff ſhall allow the ſame accordingly, and endorſe the ſum upon which ſuch allowance ſhall be made, upon the certificate of importation of the money.

X. Provided, if any ſlave ſhall die within forty days after purchaſe, the buyer may make oath thereof before any juſtice, and obtain his certificate, which being produced and delivered to the ſheriff, he ſhall allow and diſcharge ſuch buyer of ſo much of the duty as he ſhall ſtand charged with for ſuch ſlave. But all ſuch certificates of ſlaves dying within forty days, ſhall be by the ſheriff returned to the treaſurer, at the time of paſſing the ſheriff's accounts.

XI. Where any perſon inhabiting this colony, ſhall really and *bona fide* purchaſe any ſlave, for his own proper uſe, and not in truſt, or for the uſe of any other perſon, not an inhabitant of this colony, for which the duty ſhall have been paid, or due according to this act, and ſuch perſon ſhall within twelve months after

after ſuch purchaſe, be deſirous to export the ſame, ſuch exporter ſhall give a particular account of the number of ſlaves he intends to export, to the naval officer of the diſtrict from whence they ſhall be exported, and ſhall ſubſcribe ſuch account, and declare upon oath, That he is the true and lawful owner of the ſaid ſlaves he deſires to export, without any truſt for any other perſon or perſons, reſiding within this colony, and that the ſaid ſlaves ſhall be directly carried out of this dominion, and not into the province of *North Carolina*, upon his own account and riſque, and ſhall not be ſold or brought back again into this colony, without payment of the duty required by this act; which oath every naval officer ſhall adminiſter, and give a certificate thereof to the exporter, who, upon producing and delivering the ſame to the ſheriff, in caſe the duty due upon importation, ſhall not have been before paid, ſhall be allowed to draw back of the ſaid duty ſo much as he ſhall ſtand charged with, for the ſlave or ſlaves ſo exported; and if the ſaid duty has been paid to, and accounted for by the ſheriff, then, upon producing the naval officers certificate to the treaſurer, the ſame ſhall be by him repaid.

XII. The monies ariſing by virtue of this act, ſhall be applied towards diſcharging the public debts, contracted during the war with *France*, and to ſuch other public uſes as the aſſembly ſhall direct.

XIII. If the buyer ſhall be willing to pay the duty to the ſeller, ſuch ſeller may receive the ſame, and account for, and pay it to the treaſurer, in the ſame manner, with the like allowance, and under the like penalty for nonpayment, as herein is before directed, allowed and inflicted.

XIV. 27 *Geo.* II. (1753) *cap.* 4. The act of 25 *Geo.* II. *cap.* 1. ſhall continue in force four years, from *April* 20th. 1756.

XV. 27 *Geo.* II. (1754) *cap.* 1. There ſhall be paid to the king for all ſlaves, imported for ſale by the buyer, after the rate of five *per centum*, on the amount of each reſpective purchaſe, over and above the duty already laid upon ſlaves imported; which additional duty ſhall be paid, collected and accounted for, in ſuch manner and form, and according to ſuch rules, and un-

der ſuch penalties and forfeitures as are mentioned, preſcribed and appointed for the paying, collecting and accounting for the ſaid former duty; and that every article, rule and clauſe, contained in the acts concerning the paying, collecting and accounting for the ſaid former duty, ſhall be uſed, exerciſed and put in practice for paying collecting and accounting for the ſaid duty hereby impoſed, as if the ſame articles, rules and clauſes were inſerted in this act.

XVI. 28 *Geo.* II. (1755) *cap.* 2. *ſect.* 10. After paſſing this act, there ſhall be paid to the king, his heirs, *&c.* for all ſlaves imported here for ſale, by land or water by the purchaſer, after the rate of ten *per centum*, on the amount of each reſpective purchaſe, over and above the ſeveral duties already laid on ſlaves; which additional duty, ſhall be paid, collected and accounted for in ſuch manner and form, and according to ſuch rules, and under ſuch penalties and forfeitures, as are mentioned, preſcribed and appointed, for the paying, collecting and accounting for the duties already raiſed, and impoſed upon ſlaves imported by the ſeveral acts of aſſembly now in force.

XVII. This duty of ten *per centum*, to continue in force three years.

XVIII. 28 *Geo.* II. (1755) *cap.* 3. The duty of five *per centum* impoſed by 27 *Geo.* II. *cap.* 1. *ſect.* 55. continued for three years, from *February* 14. 1757.

XIX. 30 *Geo.* II. (1757) *cap.* 1. After *July* 19. 1758. during the term of ſeven years, there ſhall be paid for all ſlaves imported for ſale by the buyer, after the rate of ten *per cent.* on the amount of each purchaſe, over and above the ſeveral duties already laid on ſlaves, by any act or acts of aſſembly now ſubſiſting; which additional duty ſhall be paid, collected and accounted for, in ſuch manner and form, and according to ſuch rules, and under ſuch penalties and forfeitures, as for the duties already impoſed by the acts of aſſembly now in force.

DUTY

DUTY on TOBACCO.

8 *Geo.* II. (1734) *cap.* 15.

§ I. EVERY perſon, hereafter ſhipping goods to any of the *Britiſh* plantations, ſhall, before ſhipping, or in five days after, make oath before ſome juſtice of the county where he lives, to the ſeveral parcels and their contents, and that no tobacco is contained therein; or if there is, he ſhall make oath to the true quantity thereof, on pain of forfeiting all ſuch goods, or the value thereof; and ſuch juſtice ſhall certify the ſame under his hand, which certificate ſhall be delivered to the maſter of the veſſel, who ſhall deliver it to the naval officer of the diſtrict at clearing, who ſhall clear no ſuch veſſel till ſuch certificate produced; and ſuch naval officer ſhall deliver or ſend a copy of ſuch certificate, to the collector of the duty of a penny *per* pound, in the ſame diſtrict, before clearing: And any perſon convicted of making a falſe oath in the premiſes, ſhall ſuffer as for perjury, in a court of record, by the laws of *England.*

II. Every maſter of a veſſel, or other perſon, clearing or concerned in loading ſuch veſſel going to the ſaid plantations, before clearing, ſhall make oath before the naval officer of the diſtrict, to the quaintity of tobacco he hath on board, if any, or that he hath no tobacco, and will take none on board without paying the duty; a copy of which oath, ſuch naval officer ſhall tranſmit to the collector of the cuſtoms of the port where ſuch veſſel ſhall be bound: And any perſon convicted of making a falſe oath in the premiſes, ſhall ſuffer as for perjury, in a court of record by the laws of *England.*

III. Provided, nothing herein ſhall alter or infringe the powers, privileges or allowances of the collectors of the duty of a penny *per* pound, appointed by the commiſſioners of the cuſtoms of *Great Britain,* purſuant to the ſtatute of 25 *Car.* II.

IV. If any perſon ſhall carry any tobacco into *North Carolina,* without paying the duty of a penny *per* pound, the owner thereof ſhall forfeit the value of ſuch tobacco.

V. 30 *Geo.* II. (1757) *cap.* 1. Towards raiſing the ſeveral ſums granted by this act, a duty of two ſhillings for every hogſhead of tobacco delivered out of the ware-houſes, between *Octo.* 20. 1757. and *Octob.* 20. 1764., ſhall be paid by the owner to the inſpectors, before the tobacco is delivered, and be by them accounted for upon oath, and paid to the treaſurer, and be by him accounted for to the general aſſembly, after deducting two *per cent.* for his ſalary in receiving and paying the ſame.

EMBARGOS.

4 *Ann*, (1705) *cap.* 47.

§ I. ALL maſters of ſhips and veſſels, when they enter, ſhall give bond to the naval officer, according to the burthen of their veſſels, as follows; If the veſſel be under one hundred tons, the bond ſhall be for one hundred pounds *ſterling*; and if one hundred, and not two hundred tons, for two hundred pounds *ſterling*; and if two hundred tons and upwards, for five hundred pounds *ſterling*, with condition not to depart this colony, during the continuance of any embargo to be laid; and to obſerve the directions to be given by the government for the making up of fleets.

II. Provided, that the collectors or naval officers, upon receipt of the order for any embargo to be laid, forthwith give notice to the ſeveral maſters of veſſels in their reſpective diſtricts of the ſaid embargo; and the continuance thereof, and no bond, as aforeſaid, ſhall be forfeited without ſuch notice given, and breach of the condition of ſuch bond afterwards.

ENTERTAINMENT.

15 *Car.* II. (1663) *cap.* 16.

§ I. NO perſon, not making a poſitive agreement with any one he ſhall entertain into his houſe for diet, or ſtorage, ſhall recover any thing againſt any one ſo entertained, or againſt

his

his estate; but every one shall be reputed to entertain those of courtesy, with whom they make not a certain agreement.

II. 22 *Geo*. II. (1748) *cap*. 18. No inhabitant of this colony, shall entertain, hire or employ, in his or her house, above forty eight hours, any person being tithable, and removing from the parish where he or she formerly resided, unless such person, first produce a certificate under the hand of the sheriff of the county, or the church-wardens, or other persons collecting the levy of that parish, from whence such person came, that he or she paid levy there the preceeding year, or came into the colony since, or was a servant at the time of taking the last list of tithables, under the penalty of two hundred pounds of tobacco, or twenty shillings current money, for every such offence, to the informer; to be recovered before any justice of the county, where such offence shall be committed. And any tithable person, not having such certificate, offering to hire him or herself, or seeking to be employed, shall be subject to the like penalties and forfeitures, as persons not listing themselves as tithables are subject to.

ESCAPE.

22 *Geo*. II. (1748) *cap*. 10. *sect*. 11.

§ I. NO judgment shall be entered against any sheriff, or other officer, in any suit brought upon the escape of any debtor in his or their custody, unless the jury who shall try the issue, shall expressly find, that such debtor or prisoner did escape with the consent, or through the negligence, of such sheriff, or his officer or officers; or that such prisoner might have been retaken, and that the sheriff and his officers, neglected to make immediate pursuit.

II. If any person committed, rendered or charged in custody, in execution, or upon *mesne* process, to any county prison, shall thence escape, any justice in that county, upon oath of such escape made before him by the sheriff, under-sheriff, goaler, or other credible person, may grant unto any one demanding the same, one or more warrant or warrants under his hand and seal,

directed to all ſheriffs, mayors, bailiffs, conſtables and head-boroughs within this colony, reciting the cauſe of ſuch priſoners commitment, and time of his or her eſcape; and commanding them, and every of them, in their reſpective counties, cities, towns and precincts, to ſeize and retake ſuch priſoner ſo eſcaped or going at large; and being ſo retaken, forthwith to convey and commit to the priſon, where debtors are uſually kept, in the county where ſuch retaking ſhall be, there to be kept in ſafe cuſtody, until he or ſhe be thence diſcharged by due courſe of law; which warrant the ſheriff ſhall obey, and receive the priſoner into his ſafe cuſtody, and give a note to the perſon or perſons delivering him or her, certifying his receipt of ſuch priſoner, and ſhall alſo make return of the execution of ſuch warrant, to the court of the county from whence the priſoner eſcaped: And if he or ſhe was in cuſtody charged in execution, ſuch ſheriff, ſhall ſafely keep him or her without bail, or mainprize, until he or ſhe pay the plaintiff, in ſuch execution, or until the judgment againſt him or her be reverſed or diſcharged by due courſe of law; and if ſuch priſoner, hath been in cuſtody upon *meſne* proceſs in any action of debt, or upon the caſe, ſuch ſheriff ſhall in like manner, keep ſuch priſoner in ſafe cuſtody, and make return of the execution of the warrant to the court of that county, where he or ſhe was firſt arreſted; and ſuch court, upon the plaintiffs fileing his declaration, may proceed and give judgment thereon, as the truth of the caſe ſhall appear to them, in the ſame manner, as if the defendant had appeared and refuſed to plead, unleſs ſuch defendant ſhall cauſe ſpecial bail to be entered, and immediately plead to iſſue; and then upon certificate, under the hand of the clerk of the ſaid court, that ſuch bail is given, delivered to ſuch ſheriff, in whoſe cuſtody ſuch defendant then is, the ſaid ſheriff may ſet the ſaid priſoner at large: But where any priſoner eſcaped, and retaken upon ſuch warrant, ſhall thereafter be charged with treaſon, felony, or other crime, or cauſe, in behalf of the king, for which he or ſhe ought to be tried in the general court, or court of *Oyer* and *Terminer*, and ſhall be for ſuch cauſe removed to the public goal, ſuch priſoner ſhall be charged

in

in the said public goal, with all the causes wherewith he or she stood charged in the prison, from whence he or she was so removed, until he or she be thence delivered by due course of law, in like manner as herein before directed.

III. Where any person accused of treason, felony, or other capital crime, is committed to any county goal, and the sheriff shall have cause to suspect such person will attempt to escape, such sheriff shall impress a sufficient guard, for securing such prisoner, so long as he or she continues in the said goal, at the charge of, and to be levied on such county, and repaid by the public, in the same manner as the charges of summoning and holding courts, for the examination of criminals.

IV. 27 *Geo.* II. (1753) *cap.* 1. *sect.* 37. Where any sheriff, shall have taken the body of any debtor in execution, and shall wilfully or negligently, suffer such debtor to escape, and such sheriff, or the person sueing out such execution, shall die before a recovery can be had against such sheriff for such escape; the person sueing out such execution, his executors or administrators may maintain an action of debt against such sheriff, his executors or administrators, for the recovery of all such sums of money and tobacco, as are mentioned in the said execution, and damages for detaining the same; any law, custom or usage notwithstanding.

EXECUTIONS.

22 *Geo.* II. (1748) *cap* 13. *sect.* 1.

§ I. THE writs of *fieri facias*, *elegit*, and *capias ad satisfaciendum*, shall issue in the king's name; and those from the secretary's office bear test by the governor, and be returnable to the eighth, or twenty third day of the next general court; and those from the clerk's office of any county or inferior court, bear test by such clerk, and be returnable to his next succeeding court, so as there be at least fifteen days between the test and return of each; but the clerk of any county or inferior court, may, at the plaintiff's request, issue any such execution, returnable on

a court

a court day, within nine days after the teſt thereof; and the forms of the ſaid ſeveral writs ſhall be as follows, *mutatis mutandis*.

II. A *Fieri facias* in debt.

GEORGE, *by the grace of God, of* Great Britain, France, *and* Ireland, *King, defender of the faith*, &c. *To the ſheriff of county, greeting. We command you, that of the goods and chattels of* A. B. *late in your bailiwick, you cauſe to be made the ſum of which* C. D. *lately in our general court, hath recovered againſt him, for debt; alſo the ſum of which to the ſaid* C. D. *in the ſame court, were adjudged for his damages; as well by reaſon of detaining the ſaid debt, as for his coſts in that ſuit expended, whereof he is convicted, as appears to us of record: and that you have the ſaid before the juſtices of our ſaid court, the day of to render to the ſaid* C. D. *of the debt and damages aforeſaid; and have then there this writ. Witneſs*, &c.

III. The ſame in caſe upon a promiſe.

——As before, *unto* ——*for his damages which he ſuſtained, as well by reaſon of his not performing a certain promiſe and aſſumption to the ſaid* C. D. *by the ſaid* A. B. *lately made, as for his coſts, by him about his ſuit in this behalf expended.*

IV. In Treſpaſs.

——As before, *unto* ——*for his damages, as well by occaſion of a certain treſpaſs by the ſaid* A. B. *to the ſaid* C. D. *offered, as for coſts*, &c.

V. If for the defendant, ſay,

For his coſts about his defence in a certain action, at the ſuit of the ſaid ———— &c.

VI. In covenant.

——*As before unto* ———*for damages*, &c. *by occaſion of the breach of a certain covenant between the ſaid* A. B. *and* C. D. *lately made*, &c.

VII. The

VII. The form of a writ of *Elegit.*

GEORGE, *&c. Whereas* A. B. *at our general court*——&c. ——*before our justices held, hath*——*recovered against* C. D. *the sum of*——*which to the said plaintiff was adjudged for a certain debt*——*or damages as before*——*And the said* A. B. *by the statute in that case made and provided, hath chosen to have delivered to him all the goods and chattels of the said* C. D. *besides the oxen and beasts of his plough; and also, a moiety of his lands and tenements in your bailiwick, to have and to hold the goods and chattels aforesaid, as his own proper goods; and the said moiety as his freehold, to him and his assigns, until he shall have levied thereof the debt and damages aforesaid: Therefore we command you, that you cause to be delivered all the goods and chattels of the said* C. D. *besides his oxen, and beasts of his plough; and also, a moiety of all his lands and tenements in your bailiwick, whereof he, at the day of obtaining the said judgment, was seized; or at any time afterwards, by reasonable price and extent; to have and to hold the said goods and chattels to him the said* A. B. *as his own proper goods and chattels, and the said moiety, as his freehold, to him and his assigns, according to the form of the statute aforesaid, until he shall have levied thereof the debt and damages aforesaid. And that you certify our said justices under your seal, and the seals of those by whose oaths you shall make this extent and appraisement, how you execute this writ, the day of And have then there this writ,* &c.

VIII. A *Capias ad satisfaciendum.*

GEORGE, *&c. Greeting. We command you, that you take* A. B. *late of*——*if he be found within your bailiwick, and him safely keep, so that you have his body before our justices of our general court,* &c. —— *the* —— *day of* —— *to satisfy* C. D. *the sum of*———*which the said* C. D. *hath recovered against him for debt also* —— &c. *as before.*

In caſe treſpaſs, covenant, as in the *Fieri facias.*

IX. Which ſaid writs ſhall be executed by the ſheriff, or other officer, to whom the ſame ſhall be directed, and ſhall be returned according to the ſeveral forms hereafter mentioned.

X. The Return of a *Fieri facias.*

BY virtue of this writ to me directed, I have cauſed to be made the within mentioned ſum of —— *of the goods and chattels of the within named* A. B. *which ſaid ſum of* —— *before the juſtices within mentioned, at the day and place within contained, I have ready, as that writ requires.*

Or,

THE within-named A. B. *hath no goods or chattels within my bailiwick, whereof I can make the ſum within mentioned.*

Or,

BY virtue, &c. *I have cauſed to be made, of the goods and chattels of the within named* A. B. *the ſum of* —— *which I have ready to render to the within named* C. D. *in part of the debt and damages within mentioned: And I do further certify, that the ſaid* A. B. *hath no more goods and chattels within my bailiwick, whereof at preſent I can make the reſidue of the ſaid debt and damages, as by the ſaid writ is required.*

XI. The return of a writ of *Elegit.*

—— ſc. *Inquiſition indented, taken at* —— *in the county aforeſaid, the* —— *day of* —— *in the year of our Lord* —— *before me* E. F. *gent. ſheriff of the county aforeſaid, by virtue of a writ of our lord the king to me directed, and to this inquiſition annexed; and by the oath of* G. H. I. K. *&c. good and lawful men of my bailiwick, who being charged and ſworn, upon their oaths, do ſay, That* A. B. *in the ſaid writ to this inquiſition annexed, named, the day of the caption of this inquiſition, was poſſeſſed of the goods and chattels following, as of his own proper goods,* viz. —— *of the*

price

price of ——— which I, the said sheriff, have caused to be delivered to the same C. D. *To hold to him, as his own proper goods and chattels, in part of satisfaction of his debt and damages aforesaid, in the said writ mentioned: And further, the said jurors, upon their oaths, do say, That the said* A. B. *at the time of rendering the judgment aforesaid, was seized in his demesne, as of fee, of and in* ——— (naming the houses and lands) *with the appurtenances, of the annual value in all the issues, beyond reprises of ——— pounds, ——— acres, of which, or thereabouts, are a true and equal moiety of all and singular the lands, tenements and hereditaments whatsoever, in the county aforesaid, of the said* A. B. *which said moiety, I, the said sheriff, the day aforesaid, to* C. D. *in the said writ named, at a reasonable extent, have delivered; to hold to him and his assigns, as his freehold, according to the form of the statute in that case made and provided, until he shall have levied the residue of the debt and damages aforesaid: And further, the said jurors, upon their oath, do say, That the said* A. B. *at the time of giving the judgment aforesaid, had not, nor at the day of taking this inquisition, hath any other or more goods or chattels, lands or tenements in the county aforesaid, to the knowledge of the jurors aforesaid. In testimony whereof, as well I, the said sheriff, as the jurors aforesaid, to this inquisition have severally put our seals, the day, year and place above-mentioned.*

XII. Return of a *Capias ad satisfaciendum*.

BY *virtue of this writ to me directed, I have taken the within named* A. B. *whose body, before the justices within named, at the day and place within contained, I have ready to satisfy* C. D. *of the debt and damages within-mentioned, as within to me is commanded.*

Or,

THE within named A. B. *is not found in my bailiwick.*

XIII. The party at whose suit any person shall die charged in execution, his or her executors or administrators, may, after

ſuch perſons death, ſue and have new execution againſt ſuch perſons lands and tenements, goods or chattels, or any of them.

XIV. Provided, Such new execution ſhall not affect any lands, tenements, or hereditaments of the perſon ſo deceaſed, which, at any time after the ſaid judgment ſhall have been by ſuch perſon, *bona fide*, ſold for the payment of any of his creditors; and the money paid or ſecured to any of his creditors, with their privity, in diſcharge of their debts, or ſome part of them.

XV. When any execution ſhall iſſue, and the party at whoſe ſuit the ſame iſſued, ſhall afterwards deſire to take out another at his own coſts, the clerk may iſſue the ſame, if the firſt be not returned and executed; and if upon a *capias ad ſatisfaciendum*, the ſheriff ſhall return, that the defendant is not found, the clerk may iſſue a *fieri facias*: And upon a *fieri facias* returned, that the party hath no goods, or that only part of the debt is levied, a *capias ad ſatisfaciendum* may iſſue upon the ſame judgment: And where part of a debt ſhall be levied upon an *elegit*, a new *elegit* ſhall iſſue for the reſidue; and upon a *nihil* returned upon any *elegit*, a *capias ad ſatisfaciendum*, or *fieri facias* may iſſue, and ſo *vice verſa*: And where one judgment is obtained againſt ſeveral defendants, execution thereon ſhall iſſue, as if it was againſt one defendant, and not otherwiſe.

XVI. When any judgment, ſtatute or recognizance ſhall be extended, the ſame ſhall not be avoided or delayed, by occaſion that any part of the lands or tenements extendible, are or ſhall be omitted out of ſuch extent.

XVII. Saving to the parties whoſe lands ſhall be extended, their heirs, executors and aſſigns, their remedy for contribution againſt ſuch perſons whoſe lands are omitted out of ſuch extent from time to time.

XVII. Provided, Nothing in this act ſhall be conſtrued to give any extent or contribution againſt any heir within the age of twenty one years, during his minority, in reſpect of any lands to ſuch heir deſcended, otherwiſe than might have been before the making this act.

XIX. No writ of execution ſhall bind the property of the goods

goods against which such writ issued, but from the time it shall be delivered to the sheriff, under-sheriff, or coroner, or other officer, to be executed; which sheriff, or other officer, his deputy or agent, shall, on receipt of any such writ (without fee) endorse thereon the day of the month and year, when he received the same: And if two or more writs be delivered against the same person, in the same day, that which was first delivered, shall be first satisfied.

XX. When any sheriff, or other officer, shall take the goods or chattles of any person, by *fieri facias*, and the owner shall not, within five days, satisfy the party suing out such writ, his debt, damages and costs, such sheriff, *&c.* shall sell the same, or so much thereof as shall be sufficient to satisfy the judgment, by auction, for the best price that can be gotten; but shall give notice of the time and place of such sale at the church of the parish where such goods are taken in execution, by setting up a note thereof, before the divine service begins, in some convenient or usual place, near such church, and by publishing the same in the church-yard, immediately after divine service, upon the next sunday after the said five days; and the said sale shall be made the third day after such notice given, and not sooner.

XXI. Provided, Such sheriff may take sufficient security of the person whose goods shall be so taken in execution, for their forth-coming at the time of sale; and thereupon may suffer the said goods to remain in the possession, and at the risk of the said debtor, until the said time: And if then the said debtor shall tender to the said sheriff, or officer, the debt, damages and costs, for which such goods were so taken, such sheriff, *&c.* shall accept the same, and restore the goods.

XXII. Provided also, Where any execution is served on the debtor's estate, and such debtor shall within five days, or at the time of sale, tender sufficient sureties approved by the creditor, to be bound with him to pay the money, or tobacco, for which the execution issued, and all costs, with lawful interest for the same, to such creditor, within three months, the sheriff, or officer, shall restore the estate so taken: And where no such secu-

rity ſhall be offered, and the goods or things taken in execution, cannot be ſold for three-fourths of their value, at the leaſt, in the opinion of the ſheriff, or other officer, he may ſell the ſame for money, or tobacco, (as the judgment is) to be paid at the end of three months; and ſhall take bond or bonds of the buyer or buyers, with one or more ſufficient ſureties to pay the ſame accordingly, with intereſt, to ſuch creditor.

XXIII. Every bond ſo taken, ſhall mention that it was entered into for goods, for other eſtate taken in execution, and reſtored to the debtor, or ſold to the obligor, as the caſe is; and before the end of the three months ſhall be returned by the officer taking the ſame, to the office of the clerk of the court whence the execution iſſued, there to be ſafely kept, and ſhall have the force of a judgment; and on non-payment, the juſtices of that court, upon motion of the obligee (of which the obligors ſhall have ten days notice) may award execution thereupon, with coſts: And, upon ſuch execution, the officer ſhall levy the ſame immediately; and the clerk ſhall endorſe upon the back of every ſuch execution, that no ſecurity is to be taken.

XXIV. Nothing in this act ſhall extend to any execution, on any judgment obtained againſt the ſheriff, or other collector of levies, or officer's fees, for any debt due to any public or county creditor, or for ſecretaries, county court clerks, ſurveyors, or other officer's fees, put into his hands to collect; but ſuch ſhall be immediately proceeded upon, and no ſecurity taken, or time allowed.

XXV. No officer ſhall take, on any *fieri facias*, any ſlave in execution, unleſs the debt and coſts therein mentioned, amount to ten pounds, or two thouſand pounds of tobacco, provided the defendant, or any other perſon, ſhews ſuch officer goods and chattels in his bailiwick, ſufficient to levy ſuch debt and coſts. And no collector of officers fees or levies, ſhall ſeize or diſtrain any ſlave for ſuch, if other ſufficient diſtreſs can be had: And no ſheriff, officer, or collector, ſhall make any unreaſonable ſeizure, or diſtreſs; or acting contrary hereto, ſhall be liable to the action of the party grieved, grounded upon this act, in which the plain-

tiff

tiff ſhall recover full coſts, tho' the damages do not exceed forty ſhillings.

XXVI. No execution ſhall be levied, or diſtreſs made for any tobacco, between the laſt day of *September*, and the laſt day of *December*.

XXVII. If the goods taken by any ſheriff, *&c.* as aforeſaid, or any part thereof, ſhall remain in his hands for want of buyers, he ſhall ſo return, and the writ of *venditione exponas* ſhall iſſue in this form:

GEORGE, *&c.*——*Greeting. We command you, that you expoſe to ſale, thoſe goods and chattels of* A. B. *to the value of*—— *which, according to our command, you have taken into our hands, and which you detain for want of buyers, as you have certified to our juſtices of our county court, to ſatisfy* C. D. *the ſum of*—— *whereof in our ſaid court he hath recovered execution againſt the ſaid* A. B. *by virtue of a judgment in the ſaid court: And that you have*, &c.

XXVIII. And thereupon ſuch ſheriff ſhall diſpoſe of ſuch goods in any manner, either for ready money, or upon credit, as he, and the party proſecuting ſuch writ, ſhall think beſt.

XXIX. Where judgment ſhall be obtained in any action, in any inferior court of record, for debt or damages, and the perſon againſt whom the ſame is obtained, ſhall remove with his effects out of the juriſdiction of ſuch court, the clerk of the ſame court ſhall, on requeſt of the party, for whom judgment was rendered, iſſue any *fieri facias*, or *capias ad ſatisfaciendum*, in form and under the teſt before preſcribed; and direct the ſame to the ſheriff of any county where the debtor or his goods ſhall be found; which ſheriff, or other officer, to whom the ſame is directed, ſhall execute and return the ſame, in manner aforeſaid.

XXX. 22 *Geo.* II. (1748) *cap.* 15. *ſect.* 5. No goods or chattels whatſoever, being on any meſſuage, lands or tenements leaſed for life or lives, term of years, at will, or otherwiſe, ſhall be taken by any writ of execution, or on any pretence whatſoever, unleſs

unleſs the party ſo taking the ſame ſhall, before the removal of the goods from off the premiſes, pay, or tender to the landlord, or leſſor thereof, or his agent, all the money or tobacco due for the rent of the ſaid premiſes, at the time of taking ſuch goods or chattels in execution.

XXXI. Provided, That ſuch rent arrear do not amount to more than one years rent, and if more be due, then the party ſuing out ſuch execution, paying or tending to ſuch landlord, or his agent, one years rent, may proceed to execute his judgment; and the ſheriff or officer ſerving the ſame, ſhall levy, and pay to the plaintiff, as well the money or tobacco ſo paid for rent, as the execution money.

XXXII. 22 *Geo.* II. (1748) *cap.* 51. *ſect.* 31. The clerk of the general court, and of every county court, in taxing the coſts of any judgment, or decree obtained, ſhall deduct out of the ſaid coſts, the ſame allowance for convenience, as ought to be allowed to the party firſt charged, with the fees ſo taxed in the bill of coſts, by the reſpective officers; and execution ſhall iſſue, for no more than the ſaid coſts amount to, after the ſaid deduction.

XXXIII. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 35. Any ſheriff, or other officer, failing to return any execution delivered him, to the office from whence it iſſued, at, or before the return day, ſhall be fined by the next ſucceeding general, or county court, where the judgment was obtained, at the diſcretion of ſuch court, not exceeding ten pounds, to the uſe of the creditor; provided, ſuch ſheriff, *&c.* has ten days previous notice of the motion for judgment, for ſuch fine; and ſuch ſheriff, *&c.* ſhall be further liable to the action and penalty inflicted by 22 *Geo.* II. *cap.* 10. *tit. Proceſs*, *ſect.* 4.

XXXIV. *Sect.* 36. If any ſheriff, or officer, returns on a *fieri facias*, or *vinditione exponas*, that he has levied any part of the debt, damages and coſts, in ſuch writ, and does not immediately pay the ſame to the creditor, or his attorney; or returns upon any *caſa*, or attachment in chancery, for payment of any money, or tobacco, that he hath taken the defendant, and hath his body

ready

ready to satisfy the money, or tobacco, therein mentioned, and shall have actually received the same of the defendant, or has consented to his escape, and shall not immediately pay the creditor, or his attorney; such creditor, upon a motion to the next succeeding general, or county court, from whence such writ issued, may demand judgment against such sheriff, *etc.* and such court may give judgment, and award execution thereon; provided, such sheriff, *etc.* have ten days previous notice of such motion.

EXECUTORS and ADMINISTRATORS.

22 *Geo.* II. (1748) *cap.* 5. *sect.* 24.

§ I. ALL executors and administrators, shall exhibit a true and perfect inventory, of all the estate to him, her or them committed, to the court granting the probate, or administration.

II. All executors and administrators, as soon as they can conveniently, after the debts of their testator or intestate are paid, shall sell all such goods (specific legacies excepted) as may be liable to perish, or be the worse by keeping, for the most can be got, in money, by public auction. And shall and may give credit, on good security, for what time such executor or administrator shall think fit, having regard to the circumstances of the estate, the time the legacies will become due, or distribution of the estate be made. And when such goods shall be so, *bona fide*, sold, the executor administrator, shall be answerable for the value of such sale, and no more. And if any executor or administrator, shall sell any of the said goods, to be paid for at a future day, the buyer shall enter into bond to such executor or administrator, with one or more securities; or give other sufficient security for the payment of the money accordingly: And the executor or administrator, after time of payment past, shall take all lawful ways to receive and recover the money, on pain of being answerable for the same himself: And, if it shall not be received, before the legatees, or other persons, entitled to a distribution of such money, shall have a right to demand the same, the executor or admi-

administrator, may assign such bond, or other security, to such legatee, or other person; and such assignment, shall discharge such executor or administrator, for so much, against him or them.

III. Provided, If after such assignment, the obligor or obligors in such bond become insolvent, so as the money for which such bond, or other security was given be lost, such loss shall be made good to the assignee, out of the estate of such testator, or intestate.

IV. No executor or administrator, shall sell, or dispose of any slave of his testator, or intestate, except for paying the just debts of such testator, or intestate; and then only, where there is not sufficient, or other personal estate, to pay such debts: In which case, the executor or administrator, may sell at public auction, such, or so many slaves, as shall be sufficient to raise so much money, as the personal estate falls short of the payment of the debts.

V. Where any person shall die, between the first day of *March*, and the twenty fifth day of *December*, the servants and slaves of such person, shall be employed upon the several plantations occupied by the deceased person, until the twenty fifth day of *December* in that year, for making and finishing a crop of tobacco, corn, or other grain: And such crop so made and finished, shall be assets in the hands of the executors or administrators; after the charges of cloathing and feeding the servants and slaves, the expence of working tools and utensils, the quit-rents of the land whereon they work, levies, and other incident charges deducted.

VI. After the twenty fifth day of *December*, all the servants and slaves, of such deceased person, shall be delivered up to the parties having legal right to demand the same; and all such of them, as shall be then of ten years of age, shall be delivered well cloathed, at the charge of the deceden'ts estate.

VII. Provided, No executor or administrator, shall be answerable for any servant or slaves, dying before the said twenty fifth day of *December*.

VIII. Where

VIII. Where any person dies intestate, leaving sufficient to satisfy his debts, besides slaves, and neat cattle, the heir at law, being under age, such cattle shall be kept on the lands and plantation of such heir, until he shall come of age; and he shall have the benefit of the increase, and bear the loss, if any happens.

IX. Provided, The administrator of such estate, or guardian of such orphan, if such stock grows too numerous; or if it will be to the advantage of such orphan, shall, and may sell such part of the stock, as he shall think fit: And also, that such heir at law, shall pay the other children, or such other persons, as shall be entitled to a distribution of such intestate's estate, their proportionable parts of the value of such stock, as shall be left at the time of such intestate's death.

X. The executors and administrators of executors, in their own wrong, and the executors and administrators of executors and administrators of right, who shall waste the estate of his testator or intestate, shall be chargeable in the same manner, as his or their testator or intestate, should, or might, have been.

XI. All executors and administrators, shall be allowed in their accounts, all reasonable charges, and disbursements, which they shall lay out and expend, for selling any state, and receiving the money upon such sale, pursuant to this act; and also, for collecting and receiving the outstanding debts of their testator or intestate, and no other allowance whatsoever.

EXPRESSES.

22 *Geo.* II. (1748) *cap.* 16. *sect.* 5.

§ I. ALL expresses, sent by the secretary, any of the council, the sheriff of any county, any commander in chief, colonel, lieutenant colonel, or major, to the governor, or commander in chief, or sent by the governor, or commander in chief, or by the clerk of the council, to any person, or by any chief militia officer, to the governor, or to the chief commanding officer of the militia, in the next county, to give intelligence of the approach of an enemy, or which shall come from beyond sea,

directed to the governor, or commander in chief, shall be accounted public messages, and expresses, and ferry free, within the condition and meaning of the ferry keepers bond; if such expresses, be directed for his majesty's service, and signed upon the superscription, by the person or persons sending the same: And his majesty's receiver general, shall pay such messenger, at the seat of government, out of the revenue of two shillings *per* hogshead on tobacco, or head-money, fort duties, fines, or rights, in ready money. For every mile he shall be sent forward on such public message, four pence *per* mile for himself and horse, in full for going and returning; and where he shall be kept attending, by order of the governor or commander in chief, five shillings *per* day; provided, such messenger produces from the superscriber of such express, a certificate of the messenger's name, and distance of miles; and his attendance, shall also be certified by the governor, or the clerk of the council, before payment of the said reward; and if such messenger be sent by water, the same shall be paid for, at the rate of fifteen pence *per* day for the boat, and two shillings *per* day, for each man employed to go in her.

FACTORS.

28 *Geo.* II. (1755) *cap.* 7. *sect.* 7.

§ I. WHERE any suit, shall be brought in the name or names of any person or persons, residing in *Great Britain*, or *Ireland*, for the recovery of any debt, due for goods actually sold, and delivered here, by his or their factor or factors, it shall be mentioned in the declaration or petition, in such suit, by what factor or factors, the goods and merchandizes, for which the debt sued for became due, were sold and delivered, or such suit shall be dismissed with costs.

II. The factor or factors so to be named, shall be allowed to take the same oath to his book of accounts, or to a copy thereof, in case his book shall not be required to be produced, which shall be allowed as evidence in the same manner, and under the

like

like limitation and restriction, as if the suit was brought in the name of such factor.

III. Such factor or factors, shall not further or otherwise be admitted, as a witness in such suits, or be entitled to any allowance for his attendance as a witness.

IV. All such suits, shall be commenced and prosecuted, within the time limited for bringing the like suits, by 4 *Ann, cap.* 35. and not after, notwithstanding, the saving in the said act, to persons beyond the sea, at the time their causes of action accrued.

V. Provided, If any factor dies, before the expiration of the time, in which such suit should have been brought, such principal shall be allowed two years from the death of such factor, to commence and prosecute his action, for any debt due on account of any contract, or dealing with such factor.

VI. In all petitions brought for the recovery of such debts, if the plaintiff recover, a lawyer's fee shall be taxed in the bill of costs, if the factor so to be named in the petition, be unable to attend the court in person, or the defendant resides in another county than where the debt is contracted, and not otherwise.

FALSE NEWS.

13 *Car.* II. (1661) *cap.* 91. *sect.* 1.

§ I. ANY person who shall forge, or divulge any false report, tending to the trouble of the country, shall, by the next justice of peace, be sent for, and bound over to the next county court; where, if he produce not his author, he shall be fined two thousand pounds of tobacco (or less, at the courts direction;) and besides, give bond for his behaviour, if it appears to the court, that he did maliciously publish or invent it.

FASTS and FEASTS.

13 *Car.* II (1661) *cap.* 10.

§ I. WHEREAS, our late ſurrender and ſubmiſſion to that execrable power that ſo bloodily maſſacred the late king *Charles* the I. of ever bleſſed memory, hath made us, by acknowledging them, guilty of their crimes: To ſhew our ſerious and hearty repentance and deteſtation of that barbarous act.

Be it enacted, That the thirtieth day of *January*, the day the ſaid king was beheaded, be anually ſolemnized with faſting and prayers, that our ſorrows may expiate our crime, and our tears waſh away our guilt.

II. 13 *Car.* II. *cap.* 11. Since God, of his mercy, hath been pleaſed to reſtore our late diſtracted kingdoms to peace and unity, and his late diſtreſſed majeſty to the throne of his royal anceſtors, *Be it enacted,* That in teſtimony of our thankfulneſs and joy, the twenty ninth of *May*, the day of his majeſty's birth and happy reſtoration, be annually celebrated as an holy day.

III. 15 *Car.* II. (1663) *cap.* 14. Whereas, it is evident, that certain mutinous villains had entered into ſuch a deſperate conſpiracy, as had brought on an inevitable ruin upon the country, had not God, of his infinite mercy prevented it: This grand aſſembly, to teſtify their thanks to almighty God, for ſo miraculous a preſervation, *Have enacted,* That the thirteenth of *September*, the day when this villainous plot ſhould have been put in execution, be annually kept holy, to keep the ſame in a perpetual commemoration.

FEES.

19 *Geo.* II. (1746) *cap.* 6.

§ I. THE ſecretary, county court clerks, ſheriffs, coroners, conſtables, and ſurveyors, after commencement of this act, may reſpectively demand and take the ſeveral fees herein aftermentioned, for any buſineſs by them reſpectively done, by

by virtue of their ſeveral offices, and no other fees whatſoever: (That is to ſay,)

II. *To the Secretary.*

	Current money. s.	d.
For making out, ſealing, and recording at large, a patent for land before the ſame ſhall be recorded,	8	0
For making out, ſealing, and recording at large, a patent commonly called a double patent, before the ſame ſhall be recorded,	12	0
For parchment for every patent,	2	6
For recording every warrant on an eſcheat, and the inquiſition thereupon,	11	6
For a copy thereof, the ſame.		
For every paſs,	10	0
For every freedom for a ſhip or veſſel,	10	0
For every teſtimonial,	10	0
For every writ, in the nature of an *ad quod damnum*, to be paid upon iſſuing ſuch writ,	5	0
For recording the ſame, with the inquiſition thereupon, to be paid before inquiſition be recorded,	11	6
For a copy of ſuch writ, and inquiſition, to be paid down,	5	0

	Pounds of tobacco.
For taking a bond upon iſſuing injuctions in chancery,	25
For a copy of a double patent,	40
For a copy of any other patent,	30
For the probation of any teſtament, and recording the ſame; for entering the orders for appraiſing the eſtate, recording the inventory, writing and ſealing the probate, or any other matters concerning the ſame: or for a commiſſion of adminiſtration of the goods of any perſon dying inteſtate; for entering the order or orders for appraiſſing the eſtate, recording the inventory, or for any other matter concerning the ſame, where the appraiſement doth not amount to above one hundred pounds,	200

Or

	Pounds of tobacco.
Or, where the appraiſement exceeds one hundred, and is under five hundred pounds,	300
Or, where the appraiſement exceeds five hundred pounds, or there is no appraiſement,	400
For a copy of a probate, or commiſſion of adminiſtration,	40
For recording the certificate of a probate or adminiſtration,	40
For a copy of a will or inventory,	40
And if the original is contained in more ſheets than one, for a copy of every ſuch ſheet,	30
For every hue and cry, ſigned by the governor,	30
For a copy of an act of aſſembly,	40
For a copy of an account,	20
For recording of a deed or deeds for the conveying or ſettling any lands or tenements, or together, with ſlaves and perſonal eſtate, or any way concerning the ſame, acknowledged or proved in the general court,	150
For a copy of ſuch deed or deeds, with the indorſements thereon, and for a certificate of the acknowledgment or proof, and recording,	90
For iſſuing a commiſſion to take the acknowledgment and privy examination of a feme covert, and recording it with the return of the commiſſioners,	50
For a copy thereof,	30
For recording a deed concerning ſlaves, or any perſonal matter only,	70
For a copy thereof, with certificate of the acknowledgment or proof, and recording,	40
For recording a letter of attorney, acknowledged and proved in the general court, and every thing relating to it,	70
For a copy thereof,	40
For recording a bond with condition, other than for performance of covenants, in deeds of conveyance or ſettlement of land,	40
For a copy of a bond with condition,	20
For recording a certificate of rights,	15

In

In Actions, and other suits.

	Pounds of tobacco.
For every *dedimus potestatem*, writ of error, *supersedeas*, or *scire facias*,	25
For taking bond, on issuing a writ of error, or *supersedeas*,	25
For every other writ in any action or suit whatsoever,	20
For entering the sheriff's return, and entering the bail by him returned, in the rule book,	20
For entering special bail,	20
For entering the personal appearance of the plaintiff or defendant, or the appearance of an attorney for either party,	10
For entering security for costs, for persons out of the country,	20
For filing a declaration, and every plea or demurrer in any cause, to the making up of the issue; and for filing errors upon appeals, writs of error, or *supersedeas*,	20
For a copy of every declaration, plea, or demurrer, or of errors,	20
For every rule entered in the rule book,	20
For a copy of every rule,	10
For every order in court before trial,	10
For a copy of the same,	10
For filing papers of each party in any action or suit,	15
For docketing every cause on the docket, to be charged but once,	10
For every trial, swearing the jury and witnesses, and recording a general verdict,	50
For administring an oath, or affirmation, in court, except witnesses to a jury,	10
For every trial, where there is a special verdict; swearing the witnesses and jury; and recording such verdict,	75
And where there is no jury, but a case agreed,	25
For swearing witnesses for each party, in every cause where there is no jury,	15
For a copy of a case agreed, or notes of a special verdict,	25

For

	Pounds of tobacco.
For every order made in court after verdict or demurrer joined,	10
For entering every continuance on the court docket,	10
For entering every judgment,	10
For recording the report of auditors when it is desired,	40
For making a complete record in every cause, inserting a case agreed, or special verdict at large, from the notes; and all deeds, and other evidences at large, for every twenty words,	1
For a copy thereof, or any part thereof, the same,	
For filing bill, answer, replication, or other pleadings in chancery, each,	15
For a copy thereof, for twenty words,	1
For entering every decree,	10
For drawing up every decree at large, entering the substance of the bill, answer, and other pleadings; the substance of the evidence, and decree thereupon, for every twenty words,	1
For filing the depositions in every cause, in behalf of each party,	15
For a copy of the depositions, for every twenty words,	1
For a recognizance in court,	20
For entering an appeal to *England*, and taking bond,	50
For filing the record upon an appeal, writ of error, or *supersedeas*, from a county court, or any inferior court,	15
For a copy of such record, for every twenty words,	1
For filing the return of a *certiorari*, or *habeas corpus*,	15
For taxing the costs in any action or suit, and a copy thereof,	20
For every petition for lapsed land, for writing it, and issuing a summons thereon,	50
For every order thereon,	15
For recording any thing not herein particularly mentioned, or for a copy thereof, for every twenty words,	1

For

	Pounds of tobacco.
For a ſearch of any thing, if above a years ſtanding, or reading the ſame, or any part thereof, if required,	10
For every order to a witneſs for attendance, to be charged to the party againſt whom ſuch order goes,	10

III. Which ſaid ſeveral fees before-mentioned, ſhall be charged to the party at whoſe inſtance the buſineſs ſhall be performed, except where it is otherwiſe directed. And the fees hereafter mentioned, allowed to the ſecretary, ſhall be charged to the ſeveral counties reſpectively, for whoſe ſervice the buſineſs ſhall be performed, and ſhall by the juſtices be levied on the inhabitants thereof: That is to ſay,

	Pounds of tobacco.
For a commiſſion of the peace, and *dedimus* to adminiſter the oaths, and recording the ſame,	160
For a writ for electing of burgeſſes,	350
For a commiſſion of *Oyer* and *Terminer*, and *dedimus*, to adminiſter the oaths, to be repaid the county by the public.	100
For filing an inquiſition on view of a dead body, and recording the ſame; which ſhall be repaid the county out of the eſtate of the deceaſed, if ſufficient,	50

IV. *To the county court clerks.*

	Pounds of tobacco.
For taking a bond upon iſſuing injunctions in chancery,	20
For recording deeds of leaſe and releaſe, for conveying or ſettling of lands only, or together with ſlaves and perſonal eſtate; bond to perform covenants; certificate of the proof or acknowledgment, as the caſe is, and all matters relating thereto,	150
For a copy thereof,	55
For recording every deed of feoffment, or bargain and ſale, or other ſingle deed, for conveying or ſettling lands and tenements only, or together with ſlaves and perſonal eſtate; bond to perform covenants; certificate of the proof or acknowledgment, as the caſe is, and all matters relating thereto,	100

	Pounds of tobacco.
For a copy thereof,	40
For iſſuing and recording a commiſſion to take the acknowledgment and privy examination of a feme covert; with a certificate of the commiſſioners, if ſuch commiſſion be required,	40
For a copy thereof,	20
For recording a patent,	50
For a copy thereof,	25
For recording a deed for land from the proprietors of the *Northern* neck,	50
For recording a deed concerning ſlaves, or any perſonal matter or thing only, with the certificate of its proof or acknowledgment,	40
For a copy thereof,	30
For recording a letter of attorney,	30
For a certificate of the proof or acknowledgment thereof,	10
For a copy of a letter of attorney, with ſuch certificate,	25
For recording a bond, with condition, other than for performance of covenants, in deeds of conveyance or ſettlement of lands.	20
For a copy of a bond, with condition, other than an appeal bond, the ſame.	
For a copy of any other obligation or promiſſory note,	10
For the probation of any will or teſtament, and recording the ſame; entering the order or orders for appraiſing the eſtate; and for any other matter concerning the ſame, where the will ſhall be contained in one ſheet,	40
And if the will is contained in more than one ſheet, for every ſuch ſheet,	20
For a commiſſion of adminiſtration of the goods of any perſon dying inteſtate; for entering the order or orders for appraiſement; and for any other matters concerning the ſame,	40

For

	Pounds of tobacco.
For recording an inventory, where the appraiſement doth not amount to above ten pounds,	10
Where the appraiſement exceeds that value, and is under fifty pounds,	50
And where it ſhall exceed fifty pounds, and is under one hundred pounds,	100
And where it ſhall exceed one hundred pounds, or there is no appraiſement,	250
For a copy of a will or inventory, if the original is contained within one ſheet,	30
If the original is contained in more ſheets than one, for a copy of every ſuch ſheet beſides the firſt,	20
For a copy of an act of aſſembly.	40
For recording the age of a ſervant or ſlave, adjudged in court,	10
For a certificate thereof, if required,	8
For a certificate of any perſons departure out of the country,	15
For attending a court of examination of criminals, and trial of ſlaves, if the court is held for that purpoſe, to be paid by the county, and repaid by the public,	200
For a copy of a liſt of tithables, taken by a juſtice in his precinct,	20
For the whole fee for an ordinary licence and bond,	50
For a copy of the rates of liquors,	15
For a marriage licence, certificate and bond,	50
For proving rights for land produced at one time, belonging to one perſon, and certificate thereof,	13
For every ſearch for any thing above a year's ſtanding,	5
For reading any thing, if a copy be not required,	5

In actions, and other ſuits.

	Pounds of tobacco.
For every other writ, other than ſuch as are herein particularly mentioned,	10
For a copy of every ſuch writ,	5

	Pounds of tobacco.
For every writ of execution, or *scire facias*,	15
For a copy thereof,	8
For recording the return thereof,	8
For a writ of attachment in any action,	15
For recording the return thereof,	15
For an attachment granted by a justice of the peace, returnable to the court, and recording the return, and putting the same on the docket,	20
For every summons to summon a garnishee on such attachment,	10
For filing every bail bond, and entering the bail returned,	10
For docketing every cause, except by petition, to be charged but once,	5
For the copy of the return of any writ,	3
For entering special bail,	10
For entering security for costs for persons out of the country,	10
For entering the appearance of the defendant or defendants, where there is no attorney in any suit, except by petition,	5
For entering one or more attornies for each party,	5
For every petition, declaration, or other pleading, except in suits by petition for debt, detinue, *assumpsit*, or trover,	10
For a copy of any declaration, special pleading, or demurrer,	10
For a copy of a plea, if the general issue,	3
For every trial; swearing the jury and witnesses, filing all papers; and recording a general verdict,	40
For every trial, where there is a special verdict, or case agreed, and recording the same,	65
For swearing the witnesses, in every other cause, where there is no jury, or case agreed, except by petition,	10
For filing the papers of each party, in every cause, except by petition, and where there is a jury or case agreed,	10

For

	Pounds of tobacco.
For a copy of a ſpecial verdict, or caſe agreed, and every thing therein ſet forth; or for making up a full and complete record, for every thirty words,	1
For entering every judgment, or for a copy thereof,	10
For filing a bill, anſwer, replication, and other pleadings in chancery, for each,	10
For a copy thereto, for every thirty words,	1
For a commiſſion to examine witneſſes,	25
For attending and writing depoſitions, taken againſt inſpectors, before juſtices of the peace,	100
For entering every decree in chancery,	15
For filing the depoſitions in any ſuit for each party,	5
For every depoſition taken in court,	10
For a copy of a depoſition,	10
For adminiſtring an oath in court, relating to the trial of any cauſe there depending, and certifying the ſame,	10
For every recognizance in court,	10
For entering the order or orders in any cauſe in one court,	15
For entering every order for attendance of witneſſes,	10
For a copy of any order,	10
For recording the report of a jury in the county, ſurveyors, auditors, or viewers,	20
For a copy thereof,	20
For taxing coſts to any judgment, or decree, where coſts are recovered, or for a copy of a bill of coſts, if required,	11
For a copy of an account,	10
For entering an appeal, and taking bond to proſecute it,	20
For a copy of the bond,	10
For returning an appeal, and ſecurity, to the ſecretary's office,	30
For returning writ of error, *ſuperſedeas*, *certiorari*, or *habeas corpus*,	20
For a copy of the proceedings of the cauſe, wherein the appeal is granted, for every thirty words,	1
For recording the acknowledgment of ſatisfaction of a judgment,	10

For

	Pounds of tobacco.
For entering each order for a witneſs's attendance; to be charged to the party in whoſe behalf the witneſs is ſummoned, and taxed in the bill of coſts, if ſuch party recover,	10
For a copy thereof; to be taxed and charged in like manner,	10
For an attachment thereon; to be charged to the party againſt whom ſuch attachment ſhall be iſſued,	10
For the whole fee chargeable for every petition for debt, detinue, *aſſumpſit*, or trover, and all the proceedings therein, including a copy of the judgment, and taxing coſts, if required; except the reſpective fees, for ſummoning witneſſes, entering attorneys, for every order for continuance, and for iſſuing execution, where any of theſe matters happen,	50
For entering an attorney in ſuch petitions; to be paid by the party by whom ſuch attorney ſhall be employed, and not to be taxed in the bill of coſts,	5
For a ſummons for ſeveral witneſſes, living in one county; if ſummons's for all be taken out at one time,	10
For recording any thing not herein particularly mentioned, or for a copy thereof, for every thirty words,	1
For the acknowledgment and proof of any deed, in the county court, and for certifying the ſame, to be recorded in the general court,	30

V. And if any plaintiff, or defendant, or his or her attorney, ſhall take out copies of his or her own declaration, or pleadings, or of his or her own papers, in any cauſe; or of any common order made in ſuch cauſe; the charge of ſuch copies, ſhall not be allowed in the bill of coſts, although ſuch party recover. And where more attornies than one, ſhall be employed in any cauſe on one ſide; if ſuch attornies take out more than one copy of any thing neceſſarily relating to the ſuit, yet no more than one copy ſhall be allowed in the bill of coſts; neither ſhall the clerk tax any fee in the bill of coſts, for entering any more than one attorney, altho' coſts ſhall be adjudged againſt the adverſe party.

VI. For

Pounds of tobacco.

VI. For all public ſervices of the clerk, *viz.* Entering and iſſuing orders for appointing ſurveyors of highways, appointing conſtables, grand juries, taking the liſt of tithables, entering guardians accounts, and all matters relating thereto, binding out poor orphans, and appointing guardians; entering the levy, and copies thereof, and of the liſt of tithables for the collector; and for entering and iſſuing the orders, except againſt guardians, where they ſhall ſtand out in contempt, to be charged to ſuch guardian, and iſſuing the orders for recommending ſheriffs, and juſtices, and for proceſſioning; and all other public ſervices, for which no particular fee is allowed; to be levied annually, by the juſtices of the county, beſides caſk,	1200

VII. And when any perſon or perſons, preſented by the grand jury, or proſecuted by the church-wardens, ſhall be diſcharged from any ſuch preſentment or proſecution, the clerk ſhall charge no fees for the ſame, or any matter relating thereto, but the ſame ſhall be deemed to be included in the public ſervices: But if the party or parties ſo preſented or proſecuted, ſhall be convict, then in ſuch caſe, the clerk ſhall charge him, her or them ſo convict, with all the fees accruing thereon.

VIII. And where the treaſurer, for the time being, ſhall proſecute or ſue any perſon or perſons, for duties due or owing to him, and ſhall recover judgment againſt him, her or them; the clerk of the court wherein ſuch ſuit ſhall be brought, ſhall, and is hereby required, to charge all the fees accruing thereon, to the perſon or perſons, againſt whom ſuch judgment ſhall be obtained. And no county court clerk, ſhall charge any fee for making up a complete record, unleſs it be in cauſes where the title, or bounds of land are determined; or when he is to tranſmit the tranſcript of the record of any cauſe, to the ſecretary's office, upon appeals, or writs of error, *habeas corpus*, *ſuperſedeas*, or *certiorari.*

IX. And

IX. And to the end, All persons chargeable, with any of the fees aforesaid, may certainly know for what the same are charged; *Be it enacted*, That none of the fees, herein before-mentioned, shall be payable by any person whatsoever, until there shall be produced, or ready to be produced, unto the person owing, or chargeable with the same, a bill, or account in writing, containing the particulars of such fees, signed by the clerk, or officer, to whom such fees shall be due, or by whom the same shall be chargeable, respectively; in which said bill or account, is, and shall be expressed in words at length, and in the same manner as the fees aforesaid are allowed by this act, every fee, for which any money or tobacco, is, or shall be demanded.

X. *To the Sheriff.*

	Pounds of tobacco.
For an arrest, bond, and return,	30
For returning a *capias, non est inventus*,	10
For serving a *scire facias*,	15
For serving any person with an order of court, and making return thereof,	15
For pillorying any person,	20
For putting into the stocks,	10
For ducking any person,	20
For putting in prison, and releasement,	20
For serving a *subpœna* in chancery,	15
For serving a summons, upon a petition for debt, detinue, *assumpsit*, or trover,	15
For serving a *subpœna* for a witness, in any cause in court, except summoned in court,	10
For summoning an appraiser, auditor, viewer, or witness, to any deed, will, or writing, if required to be summoned, but not else,	10
For summoning and impannelling a jury, in every cause wherein a jury shall be sworn,	50
For going to *Williamsburg*, for a commission of *Oyer* and *Terminer*, for every mile, besides ferriages; to be paid by the county, and repaid by the public,	2

The

Pounds of tobacco.

The ſame for returning,	
For coming to and attending the general court, with the *venire* and return of the *venire facias*, the ſame as is as allowed to a *venire* man; to be paid by the public; and for attending the general court with ſtolen goods, where there is no *venire*, the ſame.	
For ſummoning the juſtices of the county, and attending the court of *Oyer* and *Terminer*; or for the examination of a criminal; to be paid by the county, and repaid by the public,	200
For removing every criminal from the county goal, to the public goal, for every mile; to be paid and repaid, as aforeſaid,	3
For removing a debtor by *Habeas Corpus*, from the county goal, to the public goal, for every mile,	2
For executing every condemned perſon, and all fees incident; to be paid and repaid, as aforeſaid,	250
For ſummoning a jury upon any inquiſition, ſurvey, writ of dower or partition, if the jury appear,	150
And if the jury do not appear,	75
For making return of a writ of dower, partition, or in the nature of an *ad quod damnum*,	50
For every days attendance upon a jury in the country, after they are ſworn; or attendance upon a ſurvey, or when ordered by the court,	50
For ſerving a writ of *Habera facias ſeiſinam*, or *Habera facias poſſeſſionem*,	50
For ſerving an attachment upon the body,	30
For ſerving a declaration in ejectment, if againſt one tenant,	30
And if againſt more tenants than one, for ſerving the declaration on every other tenant,	15
For whipping a ſervant, to be paid by the owner, and repaid by the ſervant,	20
For whipping a free perſon by order of court, to be paid by ſuch perſon, the ſame.	

	Pounds of tobacco.
For whipping a ſlave by order of court, to be paid by the county, and repaid by the public,	20
For ſerving an execution for any debt due in tobacco, five *per cent.* for the firſt thouſand, two *per cent.* for all above one thouſand pounds: If due in money, five *per cent.* upon the firſt hundred pounds, and two *per cent.* for all above one hundred pounds,	
For ſerving an attachment upon the goods, exceeding three pounds, if ſold, the ſame fee, as for ſerving an execution, where the goods do not exceed that value, or are not ſold,	30
For every garniſhee ſummoned on ſuch attachment.	10
For ſerving and returning a general court writ, ſummons, or order, where the ſame is not comprehended in any of the foregoing articles.	30
For making proclamation as the law directs, in proving of wills, or proceeding to outlawry,	20
For ſelling a ſervant at public outcry, by order of court, and all fees incident,	20
For keeping and providing for a debtor in goal, each day,	10
For keeping and providing for a run-away, or criminal in goal, each day; to be paid by the county, and repaid by the public,	5
For ſerving a juſtice's warrant,	10
For ſummoning a witneſs before a juſtice,	5
For all public ſervices of the ſheriff, (*to wit*) attending the courts of claims, and grievances, impannelling grand juries, publiſhing of writs for electing of burgeſſes and attendance, ſerving all public orders of court, except againſt guardians, where they ſhall ſtand out in contempt, to be charged to ſuch guardian: And all other public and county ſervices, to be levied annually by the juſtices on the county, beſides caſh,	1200

XI. And

XI. And when any perſon or perſons preſented by the grand jury, or proſecuted by the church-wardens, ſhall be diſcharged of ſuch preſentment, or proſecution, the ſheriff ſhall charge no fees for the ſame, but it ſhall be deemed to be included in the public ſervices; but if the party or parties ſo preſented, or proſecuted, ſhall be convict, then, in ſuch caſe, the ſheriff ſhall charge him, her or them ſo convict, with all fees accruing thereon.

XII. *To the Coroner.*

	Pounds of tobacco.
For taking an inquiſition on a dead body, to be paid out of the deceaſed's eſtate, if the ſame be ſufficient; if not, by the county,	133
For all other buſineſs done by him, the ſame fees as are allowed the ſheriff, for the ſame ſervices.	

XIII. *To the Conſtable.*

For ſerving a warrant,	10
For ſummoning a witneſs,	5
For ſummoning a coroner's jury, and witneſſes,	50
For putting into the ſtocks,	10
For whipping a ſervant; to be paid by the owner, and repaid by the ſervant,	10
For ſerving an execution or attachment, returnable before a juſtice,	10
For ſerving an attachment returnable to the county court, againſt the eſtate of a debtor, removing his effects out of the county,	30
For whipping a ſlave; to be paid by the overſeer, if the ſlave is under an overſeer; if not, by the maſter, one ſhilling, or,	10
For removing any perſon ſuſpected to become chargeable to the pariſh; to be paid by ſuch pariſh, for every mile,	2
The ſame for returning.	

XIV. *To the Surveyor.*

	Pounds of tobacco.
For every ſurvey by him made, plainly bounded as the law directs; and for a plat of ſuch ſurvey, after the delivery of ſuch plat, where the ſurvey ſhall not exceed one thouſand acres of land,	500
For every hundred acres contained in one ſurvey, and above the firſt thouſand,	30
For ſurveying a lot in town,	20
And where the ſurveyor ſhall be ſtopped or hindred from finiſhing a ſurvey by him begun, to be paid by the party who required the ſurvey to be made,	250
For running a dividing line,	250
For ſurveying an acre of land for a mill,	100
For every ſurvey of land formerly patented, and which ſhall be required to be ſurveyed; and for a plat thereof, delivered as aforeſaid, the ſame fee as for land not before ſurveyed: And where a ſurvey ſhall be made of any lands, which are to be added to other lands, in an incluſive patent, the ſurveyor ſhall not be paid a ſecond fee for the land firſt ſurveyed; but ſhall only receive what the ſurvey of the additional land ſhall amount to: And where any ſurveys have been actually made for ſeveral parcels of land adjoining, and ſeveral plats delivered; if the party ſhall deſire one incluſive plat thereof, the ſurveyor ſhall make out ſuch plat for ten ſhillings.	
For running a dividing line between any county or pariſh; to be paid by ſuch reſpective counties or pariſhes, in proportion to the number of tithables, if ten miles or under,	1000
And for every mile above ten,	50

XV. Provided always, That where any perſon ſhall employ a ſurveyor, and ſhall have received a plat of the lands ſurveyed, and afterwards ſhall aſſign the land to any other, either before or

after

after obtaining a patent for the ſame; if ſuch perſon for whom the land was firſt ſurveyed, ſhall not have paid for the ſaid ſurvey, it ſhall and may be lawful for the ſheriff of the county wherein ſuch aſſignee ſhall reſide, at the inſtance of ſuch ſurveyor, to make diſtreſs upon the ſlaves, goods and chattels of ſuch aſſignee, in like manner as is herein after provided for ſurveyors, or other officers fees, refuſed or delayed to be paid.

XVI. The clerk of the ſecretary's office ſhall cauſe to be ſet up in ſome public place in that office, and there conſtantly kept, a fair table of the ſecretary's fees herein before-mentioned, on pain of forfeiting two thouſand pounds of tobacco, for every general court day the ſaid table ſhall be miſſing thro' his neglect. And that the clerk of every county court, ſhall, in like manner, ſet up a fair table of all the other fees herein before-mentioned, in the court-houſe of his county, to be there conſtantly kept; on pain of forfeiting one thouſand pounds of tobacco, for every court day the ſame ſhall be miſſing thro' his neglect. Both the ſaid penalties ſhall be to the perſon who ſhall ſue for the ſame; to be recovered in any court of record within this dominion, by action of debt or information.

XVII. And if any officer whatſoever hath heretofore taken any greater fees than was by the laws then in force allowed; or ſhall charge, demand, or take any more or greater fees for any writing, or other buſineſs, within the purview of this act; or ſhall charge or demand, and take any of ſaid fees, where the buſineſs ſhall not have been actually performed, to be proved by ſuch officer's fee book, upon his corporal oath, he ſhall forfeit to the party injured, beſide ſuch fee or fees, two hundred pounds of tobacco, for every particular article or fee ſo unjuſtly charged, demanded, or taken, and coſts, by action of debt or information in any court of record: Provided, the ſame be ſued for within twelve months after the offence committed.

XVIII. Provided, None of the ſaid officers demanding and taking the fees allowed by the laſt fee bill (12 *Geo.* II. *cap.* 10.) at any time before the publication of this act (for which two

months

months after its commencement is allowed) ſhall be liable to the ſaid penalty.

XIX. The clerk of the ſecretary's office, and of every county court, and every ſurveyor, ſhall yearly, before the twentieth day of *December*, deliver or cauſe to be delivered to the ſheriff of every county reſpectively, the accounts of all fees due from any perſons reſiding therein, having firſt made the proper deductions at the foot of every ſuch account, ſigned by the clerks or ſurveyors, reſpectively; which accounts the ſheriffs ſhall receive, and collect, and levy the ſeveral quantities of tobacco therein charged, of the ſeveral perſons chargeable with the ſame. And if any ſuch perſon, after the ſaid fees ſhall be demanded, refuſes, or delays to pay the ſame till after the tenth day of *April* in any year, the ſheriff of that county where ſuch perſon dwells, or of the county where ſuch fees became due, ſhall make diſtreſs upon ſuch perſons ſlaves, goods, or chattels, in either of their ſaid counties, reſpectively; and the ſheriff of any county for all fees unpaid, after the ſaid tenth day of *April*, in any year, to himſelf, or the ſheriff of another county, put into his hands to collect, ſhall make diſtreſs and ſale of goods and chattels, of the perſon refuſing and delaying payment, in the ſame manner as for other fees, due to any of the officers herein before-mentioned. But no action, ſuit, petition, or juſtice's warrant, ſhall be maintainable for any ſuch fees, unleſs that ſuch ſheriff returns, that ſuch perſon hath not ſufficient within his bailiwick whereon to make diſtreſs, except where the officer hath loſt his fee book by fire, or other misfortune, ſo that he be hindered from putting his fees into the ſheriff's hands to collect; in which caſe any ſuit or warrant may be maintained for recovery thereof. And any ſheriff ſued for any thing done in purſuance of this act, may plead the general iſſue, and give this act in evidence.

XX. The ſheriff of every county, ſhall, on or before the laſt day of *May* yearly, account with the ſecretary, or his agent, the county court clerks, and ſurveyors, reſpectively, for all fees put into his hands purſuant to this act, and pay the ſame, abating ſix *per cent*. for collecting: And the ſecretary ſhall appoint

an

an agent in every county, to receive the ſheriff's account, and all tobacco due to him.

XXI. And if any ſheriff ſhall refuſe to account, or pay the whole account of fees put into his hands, after the deduction aforeſaid, with an allowance for ſuch perſons as do not dwell, or have no viſible eſtate in his county; the ſecretary, clerk, or ſurveyor, upon a motion made in the next ſucceeding general court, or in the court of the county of ſuch ſheriff, may demand judgment againſt him, for all the fees wherewith he ſhall be chargeable by virtue of this act; and ſuch court, reſpectively, ſhall enter upon judgment accordingly, and award execution thereupon; provided, the ſheriff have ten days notice of ſuch motion.

XXII. 22 *Geo.* II. (1748) *cap.* 51. *ſect.* 30. For all tobacco paid in inſpector's notes, for quit-rents, ſecretary's, clerk's, ſheriff's, ſurveyor's, and other officer's fees, to the perſons entitled to receive the ſame, there ſhall be allowed by ſuch perſons to the ſheriff or collector, ſix *per cent.* and ſo proportionably; and the ſheriff or collector may retain the ſame; and the ſheriff or other collector, of the levies, quit-rents and fees aforeſaid, ſhall pay and diſcharge the ſame, by the ſame notes which they ſhall receive in payment thereof.

XXIII. 22 *Geo.* II. (1748) *cap.* 36. *ſect.* 7. The collectors fees ſhall be as followeth, that is to ſay,

	l.	*s.*	*d.*
For entering and clearing any ſhip or veſſel of fifty tons, or under, (all veſſels tranſporting goods or commodities from one diſtrict to another excepted) and all fees incident thereunto.	0	10	0
If above fifty, and under one hundred tons,	0	15	0
If one hundred tons, or above,	1	5	0
For taking a plantation bond,	0	2	6
For a certificate of duties paid upon goods ſhipped to the Plantations,	0	2	6

XXIV. *The naval officers fees.*

	l.	s.	d.
For entering and clearing any ſhip or veſſel of fifty tons, or under, (excepting as is before excepted)	o	7	6
If above fifty, and under one hundred tons,	o	10	o
If one hundred tons, or above,	1	5	o
For taking a bond,	o	2	6
For a permit to trade,	o	2	6
For every loading coquet here,	o	o	6
For a permit to load a ſhip or veſſel for exportation	o	2	6
For a certificate for all imported goods that ſhall be removed out of one diſtrict or river into another, after they are once landed; to be paid to the officer of the diſtrict from whence the ſaid goods are brought,	o	2	6

All which fees ſhall be paid in *Sterling*, or current money, at 25 *per cent.*

XXV. The naval officers and collectors ſhall charge no more than half the fees aforeſaid, for any ſhip or veſſel wholly belonging to the inhabitants of this country.

XXVI. Any collector, or naval officer, demanding and taking any fee, for any other matter by him done and performed, as collector or naval officer, or as collector or receiver of any *Virginia* duties, than the particulars before enumerated; or demanding and taking any greater fee for any of the particulars before enumerated, than the fee given and allowed by this act for the ſame, ſhall, for the firſt offence, forfeit one hundred pounds, one moiety to the king, towards ſupport of this government, the other to the party injured; to be recovered with coſts in any court of record, by action of debt or information: And for a ſecond offence ſhall be utterly diſabled to hold his place and office of collector, or naval officer, or any profit or advantage ariſing therefrom for ever, which place and office immediately, after conviction, ſhall be void to all intents and purpoſes; and moreover, ſhall forfeit and pay to the informer, twenty pounds current money; to be recovered with coſts as aforeſaid. And if any per-

person injured by any collectors, or naval officers demanding and taking any fee contrary to this act, fails to inform, within three months after the offence committed, any other person may prosecute and recover: But such collector, or naval officer, must be prosecuted for such offence, in the space of one year next ensuing such offence committed.

XXVII. Every collector and naval officer shall set up in his office, a fair written table of his fees, according to this act; and continue the same, by setting up a fresh copy, from time to time, as occasion requires.

FENCES.

22 *Geo.* II. (1748) *cap.* 20.

§ I. IF any horses, mares, cattle, hogs, sheep or goats, break into any grounds, inclosed with a strong and sound fence, five feet high, and so close, that the beasts breaking into the same, could not creep through, or with an hedge two feet high, upon a ditch three feet deep, and three feet broad; or instead of such hedge, a rail fence of two feet and an half high, the hedge or fence being so close, that none of the creatures aforesaid can creep through, (which shall be accounted a lawful fence) the owners shall, for the first trespass, make reparation to the party injured, for the true value of the damage he shall sustain; and for every trespass afterwards, double damages; to be recovered, with costs, in any court of record wherein the same shall be cognizable.

II. Provided, That for a third offence of breaking into such inclosures, the party injured may sue for damages, or kill the beasts so trespassing, at his election, without being answerable for the same.

III. Upon complaint of the party injured, to any justice of the county, such justice shall issue his order, without delay, to three honest house-keepers of the neighbourhood, no ways related to the party injured, nor interested concerning the trespass, reciting the complaint, and requiring them to view the fence where the

trespass is complained of, and to take memorandums of the same; and their testimony in such case, shall be good evidence to the jury, touching the lawfulness of the fence.

IV. If any person damnified for want of such sufficient fence, shall hurt, wound, lame, kill, or destroy, or cause the same to be done, by shooting, hunting with dogs, or otherwise, any of the kind or breed of horses, cattle, sheep, goats, or hogs, such person shall satisfy the owner of the creature so hurt, wounded, lamed, killed, or destroyed, double damages, with costs, recoverable as aforesaid; except the damage alledged, be under twenty five shillings, and then recoverable before any justice of the county where the damage was done.

Ferries.

		County	River.	County	Pr. for a man s.	d	Act made	
	1. *Appamatox*							
	Bolling's point	Dinwid.	Over to - -	- - -	-	2	1748	
O.	Kennon's -	- -	Maye's - -	- -	-	$3\frac{3}{4}$	1748	
	Pride's - -	- -	Baugh's - -	- -	-	3	1748	
	Ditto - -	- -	Pride's - -	- -	-	2	1748	
	2. *Bennet's*		*Creek.*					
O	Bascomb's -	Nanse.	Buckston's -	Nanse.	-	4	1753	
	3. *Chesapeak.*		*Bay.*					
O.	Hampton T.	Eliz.c.	To Eyres on Hungars, if one man or horse	North.	20	--	1748	
O.	Norfolk T.	Norf.						
O.	York T.	York	If more, then for each	- -	15	--	1748	
	4 *Chickahominy*		*River.*					
O	At the usual place	- -	On each side	- -	-	6	1748	
	5. *Elizabeth*		*River.*					
	Coffield's Point	Nanse.	Peale's near Sleepy-hole	Norfol.	-	6	1748	County ferries & price lowered in 1757.
	Crawford's -	Norfolk	Powder Point	- -	-	4		
O.	Norfolk T. -	Ditto	Crawford's -	- -	-	4		
	Ditto - -	Ditto	Sawyer's Point	- -	-	4		
	6. *Fluvanna*		*River.*					
	Cabbell's -	Albem.	Spencer's - -	Albem.	-	3	1748	
	Davis's -	Ditto	Solopian Point	Ditto	-	3	1752	

	Fluvanna	*Count.*	*River.*	*Count.*	Pr. for a man. s.	d.	Act made	
	Fenly's - -	Albem.	Cabbell's	Albem.	- -	3	1748	Put down and next appointed, but ſuſpended till king's aſſent.
	Lynch's - -	Bedford	Moormans mouth of Blackw. Creek	Ditto	- -	3	1757	
C.	Megginſon's	Albem.	Over to - -	Ditto	- -	3	1756	
O.	Scott's - -	Ditto	Batterſ. or Ladd's	Ditto	- -	3	1748	
	Stovall's -	Ditto	Stovall's - -	Ditto	- -	3	1755	
	7. Hampton		*River.*					
	Hampton town point	Eliz.C.	Brooke's - -	Eliz. C.	- -	3	1748	
	8. James's		*River.*					
	Batte's - -	Henrico	Variana Glebe	- - -	- -	$3\frac{3}{4}$	1748	
	Ditto - -	- - -	Bolling's - -	Pr.Geo	- -	3	Do	
	Bermuda hund.	PrGeo.	City Point - -	- - -	1	-	Do	
	Bland's -	Ditto	Anderſon's - -	Cha. C	- -	$7\frac{1}{2}$	Do	repeal'd 1757
C O.	Branch's -	Henrico	Over to - -	- - -	- -	3	Do	
	Cary's - -	- -	Cary's - - -	- - -	- -	3	Do	repeal'd 1757
O.	City Point -	- -	Shirley hundred	- - -	1	-	Do	
	Cowle's - -	- -	Hammer's Point	- - -	- -	6	Do	
	Ditto - -	- -	Williams's -	- - -	- -	$3\frac{3}{4}$	Do	
	Crouch's creek	Surrey	James's Town	Jam.C	1	-	Do	
O.	Deloney's	Ditto	Edloe's - -	- - -	-	$7\frac{1}{2}$	1753	
O.	Ellis's - -	Henrico	Weldon's - -	- - -	-	3	Do	
	Fall's - -	- -	Shoccoe's - -	- - -	-	4	1748	
	Goode's -	- -	Flemming's -	- - -	-	3	Do	
O.	Hampton T.	Eliz.C.	Norf. T } if more	Norf.	7	6	- -	only 5s.
O.	Ditto - -	Ditto	Suff. T. } than one	Nanſ.	7	6	- -	only 5s.
	Ditto - -	Ditto	Sewell's Point	Norf.	3	-		
	Hog Iſland	Surrey	Higginſon's - -	Jam.C	1	3	1755	
	Hood's -	PrGeo	Minge's - -	Cha. C	-	$7\frac{1}{2}$	1748	
O.	Hughe's -	- -	Carter's Land -	- - -	-	3	Do	
C.	Micheaux's	- -	Atkins's - -	- - -	-	3	Do	
	Moſeby's -	Goochl	Flemming's - -	- - -	-	3	Do	
O.	Mulberry Iſland	Warw.	Cockett's - -	- - -	1	3	Do	
	Pride's - -	Cheſtf	Anthony's Land.	PrGeo.	-	3	Do	repeal'd 1757
	Prin. Ann port	Jas.C.	Hog Iſland -	Surry	2	6	Do	Man & horſe 4 s.
	Shirley - -	- -	Bermuda hundred	- - -	-	6	Do	
O.	Swan's Point	- -	James's Town	Jam.C	-	$7\frac{1}{2}$	Do	
O.	Weſtover -	Cha. C	Maycock's - -	PrGeo	-	$7\frac{1}{2}$	Do	
	Ditto - -	Ditto	Coggin's Point	- - -	-	$7\frac{1}{2}$	Do	
	Woodſon's	Goochl	Manacan Town	Cumb	-	3	Do	
	Ditto - -	Ditto	Micheaux's -	- - -	-	3	Do	
O.	Ditto - -	Henr.	Woodſon's - -	Cheſtrf	-	4	1753	
	9. Matapony		*River.*					
O.	Fleet's - -	K &Q.	Fox's - - -	K.Wm.	-	$7\frac{1}{2}$	1755	
O.	Frazier's -	K.Wm	Broache's - -	K.&Q	-	6	1748	A bridge there now.
	Temple's -	Ditto	Over to - -	Ditto	-	3	Do	
	Todd's - -	K &Q.	Bird's - - -	K.Wm	-	2	Do	
O.	Walkerton -	Ditto	Waller's - -	Ditto	-	$3\frac{3}{4}$	Do	
O.	Weſt point -	K.Wm	Dudley's - -	K.&Q.	-	6	Do	

	10 *Mattox*	*Count.*	*River.*	*Count.*	Pr. for a man s.	d.	Act made	
C.O.	At uſual place	Weſtm	On each ſide -	Weſtm	-	3	1748	
	11 *Nanſem.*		*River.*					
O.	Goodwins on Wt. Branch.	Nanſe.	Benn's - -	Nanſe.	-	4	1753	
	Riddick's -	Ditto	Jordan's - -	- -	-	4	1748	
	12 *Nominy*		*River.*					
C.O.	At uſual place	Weſtm	On each ſide -	Weſm.	-	4	1748	
	13 *Nottoway*		*River.*					
	Botton's ferry	- -	Simmons's -	- -	-	3	1748	
	Drew's - -	IſleWt.	Brown's - -	- -	-	3	Ditt.	
	14 *Occoquon*		*River.*					
C.O.	At uſual place	PrWm.	to the other ſide	Fairfax	-	3	Ditt	
	15 *Pagan*		*Creek.*					
O.	Smithfield T.	IſleWt.	Hodſden's -	IſleWt.	-	4	1752	till a Bridge built thereon
O.	Ditto - -	Ditto	Fulgham's -	Ditto	-	6	Ditt.	
	16 *Pamunkey*		*River.*					
O.	Brickhouſe -	N.Kent	Weſt Point -	K.Wm	-	9	1748	
O.	Chamberlaines	Ditto	William's -	Ditto	-	6	Ditt.	
	Crenſhaw's -	- -	to the uſual place	- -	-	3	Ditt.	
	Dabney's -	- -	to the uſual place	- -	-	3	Ditt.	
	Danſie's - -	K.Wm.	to his Cauſeway	N.Kent	-	6	1754	
O.	King's - -	- -	Blackwell's -	- -	-	3	1748	
O.	Littlepages	N.Kent	Claiborne's -	K.Wm	-	6	Do	
	Pulliam's -	Hann.	Holliday's -	Carolin	-	3	Do	
	Taylor's - -	K.Wm.	Garland's - -	Hanov.	-	3	Do	
	Webb's - -	N.Kent	Lyde's - -	K.Wm	-	6	Do	
	17 *Pianketank*		*River.*					
	Seaton's -	- -	to the uſual place	- -	-	6	Do	
	Turk's Ferry	- -	to the uſual place	- -		$3\frac{3}{4}$	Do	
	18 *Piſcattaw.*		*Creek.*					
C.O.	Edmonſon's	Eſſex	Evan's - -	Eſſex	-	3	Do	
	19 *Potomack*		*River.*					
	Boyd's Hole	Stafford	Meek's - -	Maryl.	2	6	1748	
	Brett's - -	PrWm	Chamberlaines	Ditto	1	6	1757	
	Clifton's -	Fairfax	Wallis's - -	Ditto	1	-	1748	
	Clapham's	Loudon	either ſide Monocoſie Creek	Ditto	-	4	1757	
	Floyd's -	Ditto	Powell's - -	Ditto		6	1748	
	Hereford's	Fairfax	Pamunkey -	Ditto	1	-	Do	

	Potomack	*Count.*	*River.*	*Count.*	Pr.man s.	d.	Act made	
	Hooe's - -	Stafford	Cedar Point -	Maryl.	2	-	1748	
	Hunting Creek	Fairfax	Addis. or Fraz.pt	Do	1	-	Do	
	Lovell's -	Westm	to the usual place	Do	2	6	Do	
	Mason's Land	Fairfax	Rock Creek	Do	-	4	Do	
	Poley's - -	Ditto.	Marshall's	Do	1	-	Do	
	Quantico -	Pr Wm	Chamberlaine's	Do	1	6	Do	
	Swearingen's	Freder.	to the usual place	Do	-	3	1755	
	Washington's	Stafford	to the usual place	Do	2	6	Do	
	Watkins's -	Fairfax	Wade's	Do	-	3	1748	
	West's - -	Ditto,	Addis. or Fraz.pt.	Do	1	-	Do	
C	20 *Rappahan.*		*Creek*					
	At the usu. place	Richm.	on each side	Richm.		3	1748	
	21 *Rappahan.*		*River.*					
	Byrd's - -	- -	Wiilams's	- -	1	3	1748	
	Cavanaugh's F.	- -	to the usual place	- -	-	3	Do	
	Doniphan's	K.Geo.	Battaile's	Carolin	-	3	1755	
	Falmouth	Ditto.	Thornton's	Spotsyl.	-	3	1748	
O.	Fredericksburg	Spotsyl.	Strother's	K.Geo.	-	3	1748	
	Hackley's	K.Geo.	Corbin's	Carolin	-	3	1748	
	Johnson's	Spotsyl	Washington's	K.Geo.	-	3	1748	
	Kay's	Caroli.	Skinker's	Do	-	4	1748	
	Leed's T.	K.Geo.	Brooker's	Essex	-	8	1748	Until a cause-
O.	Ley's	Essex	Robinson's	K.Geo.	-	6	1748	way made
O.	Lowry's	Ditto	Rust's	Richm	1	-	1748	
	Massaponax	Spotsyl.	Ball's	K.Geo.	-	3	1748	
O.	Parrot's Creeek	Middles	Teague's Creek	Lancas.	1	6	1748	
	Roy's	Carolin	Gibson's	K.Geo.	-	4	1748	
	Taliaferros mt.	Ditto	Berry's	Do	-	4	1748	
	Tankersely's	K.Geo	to the usual place	Carolin	-	4	1748	A free ferry
	Tappahann, T.	Essex	Carter.or Rapp.C.	Richm	1	3	1748	allowed there
	Urbanna	Middles	Chetwood's	Lancas.	2	-	1748	in 1752, to be
	Whiting's	- -	Gilbert's		2	-	1748	kept by the in-
								habitants of
	22. *Rappidan*		*River*					Port Royal.
	Germanna	Orange	to the usual place	Culpep.	-	3	1748	
	23. *Rivanna*		*River*					
	Bryant's	Albem.	Chamberlaine's	Albem.	-	2	1757	
	Cocke's	Ditto	Cocke's	Do	-	3	1748	
	Lynch's	Ditto	Meriwether's		-	3	1748	
	24. *Roanoke*		*River*					
O.	Anderson's	Lunen	Mitchell's - -	Lunen	-	3	1757	
	Jefferson's	Ditto	to the usual place	Do	-	4	1755	
	25. *Rock fish*		*River.*					
	Cabbell's	Albem.	Howards over the upper Ford	Albem.	-	2	1757	
	Joblin's	Ditto	to the usual place	Do	-	3	1753	

26 *Sherando*	*Count.*	*River*	*Count.*	Pr. for a man s.	d.	Act made	
Burwell's land	Freder.	Carter's land -	Freder.	-	$3\frac{3}{4}$	1748	
Fairfax's land	Do	Mercer's land -	Do	-	$3\frac{3}{4}$	1748	
Key's - -	Do	Fairfax's land -	Do	-	$3\frac{3}{4}$	1748	
Ruſſel's land	Do	Over to the fork	Do	-	$3\frac{3}{4}$	1748	
27. *Stanton*		*River*					
Hunt's -	Lunen.	Abney's - -	Halifax	-	4	1755	
Mayes's or Brooker's	Halifax	to the uſual place	Lunen.	-	3	1755	Price raiſed
Woodsor Wad.	Do	to the uſual place	Do	-	3	1753	1757.
28. *Tye*		*River*					
Cabbell's	Albem.	Cabbell's land	-	-	3	1748	
29. *Urbanna*		*Creek*					
Urbanna	Middl.	Wormley's	Middl.	-	3	1748	
30. *Warwick*		*River*					
Warhou. land.	Warwi.	Moſeley's - -	Middl.	-	3	1748	
31. *York*		*River*					
O. Brick Houſe	N. Kent	Dudley's -	K. & Q.	1	-	1748	Horſe $10\frac{1}{2}$
Capohoſick	- -	Scimino - -	- -	1	3	1748	
O. York T.	York	Tindal's Point	Gloſter	-	$7\frac{1}{2}$	1748	

N. B. The ferries appointed, or repealed in 1757, don't take place till the king's approbation.

XXXII. 22 *Geo.* II, (1748) *cap.* 16. The ferry-keepers may demand and take for every coach, chariot or waggon, and the driver thereof, the ſame as for ſix horſes.

For every cart, or four-wheel chaiſe, and the driver of ſuch chaiſe, as for four horſes.

For every two-wheel chaiſe, or chair, as for two horſes.

For every hogſhead of tobacco, or head of neat cattle, as for one horſe.

For every ſheep, goat, or lamb, one fifth part of the ferriage of one horſe, } and new ferries in 1757, one fourth.

For every hog, one fourth of the ferriage of one horſe, according to the prices ſettled at ſuch ferry reſpectively, and no more.

XXXIII.

XXXIII. Any ferry-keeper, demanding and receiving from any person, any greater rate than herein allowed, shall, for every such offence, forfeit and pay to the party grieved, the ferriage demanded and received, and ten shillings; to be recovered with costs, before any justice of the county where such offence shall be committed.

XXXIV. Where a ferry is by this act appointed on one side of a river or creek, and none on the other side answerable thereto, the respective county courts may appoint an opposite ferry, and allow the respective rates herein before directed: And the said courts, may appoint a ferry over any river or creek, within their respective counties, where the same shall be found convenient, and contract with the keeper of such ferry, or of any public ferry, to set over the militia of the county on muster days, and to raise an allowance for the same in their county levy; provided, no such allowance shall be raised for any ferry over a river or creek, into another county.

XXXV. No person shall be obliged to pay for ferriages at any of the county ferries (marked C.) who, before making this act, was exempted from the same, by reason of his interest or estate, in that county.

XXXVI. The court of every county, where such ferries are or shall be appointed, may order and direct, what boat or boats, and number of hands shall be kept at each ferry, respectively. And the owner of the land, whereon any such ferry is, or shall be, shall, within six months, give bond with one surety, in the court of the county wherein such ferry is, in the penalty of twenty pounds, with condition, that he will duly keep such ferry, or cause the same to be kept according to law, and will give immediate passage to all public messengers and expresses, when required from time to time. And any such person, neglecting or refusing to give such bond, or to cause the same to be given on his behalf, shall forfeit and pay forty shillings for every months refusal or neglect, to the king, for support of government; recoverable with costs, by action of debt or information, in any court of record, where the same shall be cognizable.

XXXVII.

XXXVII. The ferry-keepers ſhall give immediate paſſage to the adjutant general of the militia, or his deputy, and one ſervant with their horſes, ferry free; and to all conſtables and their aſſiſtants, charged with conducting any runaway to the public goal, or his or her owner, without charging ſuch conſtable or aſſiſtants for ferriage, either going or returning: But all ſuch ferriage, and the ferriage of ſuch runaways, ſhall be paid by the county where the reſpective ferries are kept, and repaid by the public, and levied upon the owners of ſuch runaways.

XXXVIII. All the men attending the ſaid ferry, ſhall be free of all public and county levies, and from all other public ſervices of muſters, conſtables, clearing the highways, being impreſſed, and other things of like nature; and ferry-keepers ſhall not be chargeable with any fee for giving bond. And if the ſaid court finds it uſeful, that an ordinary be kept at ſuch ferry, they may licence ſuch ferry-keeper, to keep ordinary without any other fee, except half the fee allowed by law to the governor, notwithſtanding there be a ſufficient number of other ordinaries in the ſaid county.

XXXIX. Provided, Such ferry-keeper, ſo licenced to keep ordinary, ſhall give bond and ſecurity, and be liable to the ſame penalties as other ordinary keepers.

XL. Whoever, ſhall ſet any perſon for reward, over any river or creek, whereon ferries are appointed by this act, ſhall forfeit for every ſuch offence five pounds current money; the one moiety to the neareſt ferry-keeper, to the place where the offence is committed; the other to the informer: And if the ferry-keeper be the informer, he ſhall have the whole; to be recovered with coſts, by action of debt or information, in any court of record.

XLI. 18 *Geo*. II. (1744) *cap*. 20. The juſtices, of *Prince William* and *Fairfax* counties, reſpectively, may agree with any perſon or perſons, to keep *Occoquon* ferry, and levy the expence thereof on the reſpective counties.

XLII. 30 *Geo*. II. (1757) *cap*. 25. The juſtices of *Norfolk*, ſhall appoint and agree with proper perſons, to keep ferries in

the

the ſaid county, and levy the expence thereof annually, at laying the county levy.

XLIII. Every perſon, appointed to keep the ſaid ferries, ſhall conſtantly keep ſuch boats and hands, as the ſaid court ſhall from time to time direct, and give immediate paſſage to all inhabitants of the ſaid county, without fee or reward.

XLIV. Provided, Such ferry-keepers, may demand and receive from perſons not being inhabitants of *Norfolk*, the prices in this act, mentioned under *Elizabeth River*, and *ſect.* 32.

FINES.

4 *Ann*, (1705) *cap.* 30. *ſect.* 9.

§ I. ALL the fines and forfeitures in this act, for abſenting from church, adultery, curſing, drunkenneſs, fornication and ſabbath breaking, ſhall be paid to the church-wardens of that pariſh where the offence ſhall be committed, who ſhall be accountable for the ſame to the veſtry, for the uſe of the poor of the pariſh; which veſtry, ſhall annually, on Eaſter Tueſday, if fair; if not, the next fair day, at the pariſh church, diſtribute the ſaid fines and forfeitures, according to their diſcretion, among the poor of their pariſh.

II. 4 *Ann*, (1705) *cap.* 46. *ſect.* 11. One moiety of all the fines and forfeitures in this act, for tending of ſeconds for tobacco, ſhall be to the queen, her heirs, *&c.* towards ſupport of the government, the other to the informer; to be recovered with coſts, by action of debt, bill, plaint or information, in any court of record.

III. 3 and 4 *Geo.* II. (1730) *cap.* 2. *ſect.* 7. All the fines impoſed by this act for inceſt, ſhall be to the uſe of the poor of the pariſh where the offence is committed

IV. 7 *Geo.* I. (1720) *cap.* 5. One moiety of the fines in this act, for tending of ſeconds for tobacco, ſhall be to the king, for ſupport of the government, the other to the informer; to be recovered with coſts, in any court of record.

V. 3 and 4 *Geo.* II. (1730) *cap.* 1. One half of all the fines in this act, for tending of seconds for tobacco, shall be to the king, for the use of the parish, wherein the offence is committed, the other to the informer; to be recovered with costs, in any court of record, by action of debt, bill, plaint or information.

VI. 22 *Geo.* II. (1748) *cap.* 51. *sect.* 57. One moiety of all the forfeitures in this act, for improving the staple of tobacco, not particularly appropriated, shall be to the king, to be applied towards defraying the charges of the execution of this act, the other to the informer; to be recovered with costs, by action of debt or information, in any court of record, where the penalty exceeds twenty five shillings, or two hundred pounds of tobacco; and where it does not exceed, before any justice of the county, where the offence shall be committed.

FIRE-HUNTING.

12 *Geo.* II. (1738) *cap.* 14. *sect.* 8.

§ I. WHOSOEVER shall use any fire-hunting, or kill any deer by that means, on any patented land, every person present thereat, shall forfeit twenty shillings for every such offence: And if any *Indian* shall be found so fire-hunting, the owner of the land, or his overseer, may take away such *Indian*'s gun, and keep it to his own use.

FORTS.

29 *Geo.* II. (1756) *cap.* 1. *sect.* 17.

§ I. A Chain of forts shall be erected, to begin at *Henry Enoch*'s, on great *Cape Capon*, in the county of *Hampshire*, to extend to the South-fork of *Mayo* river, in the county of *Halifax*, to consist of such a number, and at such distance from each other, as shall be thought necessary, and directed by the governor or commander in chief, who is desired to appoint some proper person, with such a number of the forces in the pay of this colony, as he shall think necessary to erect and build such forts,

forts, and to iſſue his warrant to the treaſurer, for paying ſo much money as ſhall be thought neceſſary for the purpoſes aforeſaid, by the committee appointed by this act, not exceeding two thouſand pounds: And the governor, or commander in chief, is alſo deſired, to appoint ſo many men, as he ſhall think proper, to garriſon ſuch forts, when erected.

II. 29 *Geo.* II, (1756) *cap.* 2. *sect.* 16. A ſum, not exceeding one thouſand pounds, ſhall be paid by the treaſurer, upon the governor's warrant, for building a fort at *Wincheſter*, in the county of *Frederick*; to be garriſoned as the governor ſhall direct.

FREIGHT TOBACCO.

9 *Ann*, (1710) *cap.* 8.

§ I. EVERY maſter of a veſſel, arriving in this colony, before he is admitted to enter, trade, and load tobacco, ſhall give bond to the king, in the ſum of two hundred pounds current; with condition that he will not crop, cut away the bulge, draw the ſtaves, or otherwiſe abuſe, or cauſe, or ſuffer to be cropt, cut down, or otherwiſe injured and abuſed, by his knowledge, privity or procurement, any tobacco caſk, freighted on board the ſaid veſſel, without the approbation and conſent of the freighters; and make oath or affirmation accordingly; which bond and oath, or affirmation, the naval officer ſhall take and adminiſter. And any naval officer granting a permit to load tobacco, before bond given, and oath or affirmation made, ſhall forfeit two hundred pounds current; one half to the king, *&c.* towards ſupport of this government, the other half to the informer; to be recovered with coſts, by action of debt or information, in any court of record.

II. Any officer, mariner, or other perſon, belonging to any veſſel taking in tobacco, that ſhall crop, cut away the bulge, draw the ſtaves, or otherwiſe abuſe any tobacco caſk freighted therein, without the approbation and conſent aforeſaid; or be aiding or aſſiſting therein, ſhall forfeit five pounds current, to the informer; to be recovered with coſts, in any court, by acti-

on of debt or information, and may be held to ſpecial bail; which fact may be laid to be done, in any county where the offender ſhall be arreſted, without liberty of traverſe; and if there be ſeveral offenders in the ſame fact, each ſhall pay the whole penalty, and the maſter ſhall be liable to the action of the party injured for damages.

III. Every mariner, ſummoned and appearing as a witneſs, ſhall be allowed to give evidence, and be thereby diſcharged of proſecution for the ſame fact. And if any mariner concerned in ſuch offence, is the informer, that ſhall indemnify him from all accuſation or penalty for the ſame.

IV. Any collector, naval officer, ſearcher, or any perſon, having tobacco on board, may go on board any ſuch veſſel in the day time, during her loading, and ſearch whether any breach has been committed againſt this act; and every maſter, officer and mariner, hindering or oppoſing ſuch ſearch, ſhall, for every ſuch offence, forfeit ten pounds current; to be divided and recovered as in *ſect.* 1.

FRUIT TREES.

§ I. ALL owners of horſes, mares, kine or other beaſts, known barking fruit trees, ſhall keep them within their own fenced ground.

II. If any perſon, ſhall take up any ſuch beaſts, and deliver the ſame to the owner, ſuch owner, ſhall pay the taker up, one hundred pounds of tobacco for every ſuch beaſt; recoverable with coſts, before any juſtice of the county where the beaſt was taken up, or the owner lives.

III. Provided, The taker up, if required, ſhall make oath before ſuch juſtice, of taking up the ſame, and that no means were by himſelf, or any other perſon that he knows of, uſed, to ſet the ſame at large, otherwiſe ſhall loſe the ſaid reward.

FUNERAL EXPENCES.

4 *Ann*, (1705) *cap.* 33. *sect.* 17.

§ I. THE county court ſhall have power, by their diſcretion, to regulate the funeral expences of any perſon deceaſed, and to make allowance for the ſame according to his eſtate.

GAMING.

22 *Geo.* II. (1748) *cap.* 31.

§ I. ALL promiſes, agreements, notes, bills, bonds, judgments, mortgages, or other ſecurities or conveyances entered into, or executed by any perſon, where the whole, or any part of the conſideration of ſuch promiſe, agreement, *&c.* ſhall be for any money, or other valuable thing won at cards, dice, tables, tennis, bowls, or other game whatſoever, or at any horſe-race, cock-fighting, or any other ſport or paſtime, or on any wager whatſoever, or for repaying any money, knowingly lent for ſuch uſes to any perſon, or lent at the time and place of ſuch play, horſe-racing, cock-fighting, or other ſport or paſtime, to any perſon ſo gaming, betting or wagering, or that ſhall at ſuch time and place, ſo play, bet or wager, ſhall be utterly void.

II. And where ſuch mortgages, ſecurities, or other conveyances ſhall be of lands, tenements or hereditaments, or ſhall incumber, or affect the ſame, ſuch mortgages, *&c.* ſhall enure, and be to the ſole uſe of, and ſhall devolve upon ſuch perſons as ſhould be entitled to ſuch lands, *&c.* in caſe the perſon, ſo incumbring the ſame, had been actually dead, and as if ſuch mortgages, *&c.* had been made to ſuch perſons ſo to be entitled, after the deceaſe of the perſon, ſo incumbering the ſame: and all grants or conveyances, to be made for preventing of ſuch lands, *&c.* from coming to, or devolving upon the perſons hereby intended to enjoy the ſame, as aforeſaid, ſhall be deemed fraudulent and void.

III. Any perſon, who ſhall within the ſpace of twenty four hours, by playing at any game, or betting on ſuch as do play, loſe to one or more perſons, ſo playing or betting, the ſum or va-

lue

lue of forty ſhillings or more, and ſhall pay or deliver the ſame, or any part thereof: The perſon ſo loſing, paying or delivering the ſame, may, within three months then next, ſue for, and recover the ſame, from the reſpective winner or winners, with coſts of ſuit, by action of debt founded on this act, in any court of record, where the ſum or value is cognizable. In which actions, it ſhall be ſufficient for the plaintiff to alledge, that the defendant is indebted to the plaintiff, or received to the plaintiff's uſe the money ſo loſt, and paid or converted the goods won of the plaintiff, to the defendant's uſe, whereby the plaintiff's action accrued to him according to the form of this act, without ſetting forth the ſpecial matter: And in caſe the perſon, who ſhall loſe ſuch money or other thing, as aforeſaid, ſhall not within the time aforeſaid *bona fide*, and without covin ſue, and with effect proſecute for the ſame. Any perſon, by any ſuch action or ſuit, as aforeſaid, may ſue for, and recover the ſame, and treble the value thereof, with coſts of ſuit againſt ſuch winners, as aforeſaid; the one moiety to the uſe of the perſon ſuing for the ſame, the other to the uſe of the pariſh where the offence ſhall be committed.

IV. Every perſon, who by this act may be liable to be ſued, ſhall be obliged to anſwer upon oath, ſuch bill or bills as ſhall be preferred againſt him for diſcovering the money or other things ſo won at play.

V. Provided, Upon diſcovery and repayment of the money, or other thing ſo won, the perſon diſcovering ſhall be acquitted from any further or other puniſhment or penalty, which he may have incurred, by playing for, or winning the ſame.

VI. Any perſon, playing in an ordinary race-field, or other public place, at any game whatſoever, except billiards, bowls, back-gammon, cheſs or draughts, or betting on the ſide or hands of ſuch as do game, upon conviction before any juſtice within this colony, by the oath of one or more credible witneſs or witneſſes, or by the view of ſuch juſtice, or confeſſion of the party accuſed, ſhall forfeit five pounds current money, to be levied by diſtreſs and ſale of the offender's goods, by warrant from ſuch juſtice, for the uſe of the poor of the pariſh where the offence ſhall

be committed; and every perſon ſo convicted, ſhall be committed to the county goal, until he give ſufficient ſecurity for his good behaviour for twelve months next after ſuch convection.

VII. Any ordinary-keeper, permitting any perſon to play at any unlawful game, in his houſe, ſhed, booth, arbor or ſtall, by by night or day, on conviction before any juſtice, by the oath of one or more credible witneſs or witneſſes, confeſſion or view of a juſtice, as aforeſaid, ſhall forfeit five pounds current money; to be levied and applied as the fine in the preceding ſection.

VIII. Every juſtice preſent at any unlawful gaming, at any time or place, except in private houſes, and neglecting to iſſue his warrant for levying the fine on every ſuch perſon ſo gaming or betting, ſhall forfeit five pounds; one half to the informer, the other to the church-wardens, to the uſe of the poor of the pariſh; recoverable with coſts, by action of debt or information, in any county court.

IX. Provided, Any perſon, aggreived by the judgment of any juſtice, upon any conviction for any of the offences in this act, cognizable before him, may appeal to the next court to be held, for the county where ſuch perſon ſhall be convicted; but ſhall give reaſonable notice of ſuch appeal, to the party proſecuting, and enter into a recognizance with two ſufficient ſureties, before ſome juſtice of the county where the judgment was given, on condition to try ſuch appeal at the next court held for the ſame county, after entering ſuch appeal; which ſhall be then heard, and finally determined by the ſaid court.

X. Provided alſo, No ſuch judgment ſhall be ſet aſide, for want of form, where it ſhall appear to the court that the facts were ſufficiently proved at the trial; nor ſhall any ſuch judgment be removed into the general court by appeal, or any proceſs whatſoever.

XI. If any perſon, ſhall, by any fraud, ſhift, coſenage, circumvention, deceit, unlawful device, or evil practice whatſoever, in playing at, or with cards, dice, or any other game or games, or by bearing a ſhare in the ſtakes, or by betting on the ſides or hands of ſuch as play, win to himſelf or to any other, any ſum of

of money, or other valuable thing: Every perſon, ſo winning by ſuch ill practice, and being thereof convicted, upon indictment or information, ſhall forfeit five times the value of the money, or other thing ſo won, and ſhall be deemed infamous, and ſuffer ſuch corporal puniſhment as in caſes of wilful perjury; ſuch penalty to be recovered with coſts, by ſuch perſon as will ſue for the ſame, by action of debt in any court of record, having cognizance thereof.

XII. Any two juſtices, in any county or corporation, may cauſe to be brought before them, every perſon within their reſpective limits, whom they ſhall have cauſe to ſuſpect to have no viſible eſtate, profeſſion or calling to maintain himſelf by, but doth for the moſt part ſupport himſelf by gaming; and if ſuch perſon does not make appear to ſuch juſtices, that the principal part of his expences is not maintained by gaming, they ſhall require ſufficient ſureties for his good behaviour for twelve months, and on default of finding ſuch, ſhall commit him to the common goal till he finds ſuch ſureties, as aforeſaid.

XIII. If ſuch perſon ſo finding ſureties, ſhall, during that time, play or bet for any money or other valuable thing whatſoever, the ſame ſhall be deemed a breach of the behaviour, and a forfeiture of the recognizance given for the ſame.

XIV. If any perſon ſhall aſſault and beat, or challenge, or provoke to fight any other perſon, on account of any money or other thing won by gaming or betting, on conviction, he ſhall forfeit to the party grieved ten pounds current money; to be recovered by action of debt, in any county court with coſts; and ſhall moreover, be liable to the action of the party grieved, at the common law.

GENERAL COURT.

27 *Geo.* II. (1753) *cap.* 1.

§I. AT ſome certain place, lawfully appointed, at the times hereafter directed, ſhall be held one principal court of judicature for this colony, by the name of, *The General Court of* Virgi-

Virginia; which ſhall conſiſt of the governor, or commander in chief, and council: Any five to be a court; and they are appointed judges to hear and determine all ſuits and controverſies depending in the ſaid court.

II. Every perſon, accepting the office of a judge of the ſaid court, before entering upon and executing the ſame, ſhall take the oaths appointed by parliament, and repeat and ſubſcribe the teſt, and take the following oaths.

III. The Oath of a Judge of the General Court.

YOU ſhall ſwear, *That you will well and truly ſerve our ſovereign lord the king, and his people, in the office of a judge or juſtice of the general court of* Virginia; *and you ſhall not council or aſſent to any thing, which may turn to the hurt or diſinheriting the king, by any way or colour; and you ſhall do equal law, and execution of right, to all the king's ſubjects, rich and poor, without having regard to any perſon: You ſhall not take, by yourſelf, or by any other perſon, any gift or reward, of gold, ſilver, or any other thing, for any matter by you done, or to be done, by virtue of your office: You ſhall not take any fees, or other gratuity of any perſon, great or ſmall, except ſuch ſallary as ſhall be by law appointed, or ſuch ſallary as his majeſty, his heirs or ſucceſſors, ſhall think fit to allow you for your ſervice: You ſhall not maintain by yourſelf, or any other, privily or openly, any plea or quarrel hanging in any of the king's courts: You ſhall not delay any perſon of common right for the letters of the king, his governors of this colony, or of any other perſon, nor for any other cauſe: And in caſe any letter come to you, contrary to the law, you ſhall nothing do for ſuch letter, but you ſhall proceed to do the law, the ſaid letters notwithſtanding: And finally, in all things belonging to your ſaid office, during your continuance therein, you ſhall faithfully, juſtly and truly, according to the beſt of your ſkill and judgment, do equal and impartial juſtice, without fraud.*

So help you God.

IV. The Oath of a Judge of the General Court in Chancery.

YOU ſhall ſwear, *That well and truly you will ſerve our ſovereign lord the king, and his people, in the office of a judge or juſtice of the general court of* Virginia *in Chancery; and that you will do equal right to all manner of people, great and ſmall, high and low, rich and poor, according to equity, and good conſcience, and the laws and uſages of this colony and dominion of* Virginia, *without favour, affection, or partiality.*

So help you God.

V. Any perſon ſitting or executing the ſaid office, without firſt qualifying himſelf as by this act required, ſhall, for every ſuch offence be fined five hundred pounds current money, one moiety to the king for ſupport of this government, and the other to the informer.

VI. The ſaid court ſhall hear and determine all cauſes, matters, and things whatſoever, relating to, or concerning any perſon or perſons, eccleſiaſtical or civil; or to any perſon or things, of what nature ſoever, whether brought before them by original proceſs, appeal from any inferior court, or by any other ways or means whatſoever.

VII. The ſaid court ſhall be held twice every year; one court to begin on the tenth day of *April,* and the other on the tenth day of *October* (if not *Sunday*) and then on the *Monday*; each to continue twenty-four days, *Sundays* excluſive.

VIII. The firſt five days of every general court, ſhall be for hearing and determining ſuits in chancery appeals, from the decrees of the county or inferior courts in Chancery, and writs of *Superſedeas* to ſuch decrees; and the other days for trying ſuits or proſecutions in behalf of the king, and all other matters depending in the ſaid court.

IX. Before every general court, the clerk ſhall enter in a particular docket, all ſuch cauſes only in which any iſſue is to be tried, writ of enquiry executed, ſpecial verdict, caſe agreed, or de-

demurrer to be argued, and all cauſes ſet down for hearing or argument in Chancery, in the ſame order as they ſtand in courſe of proceedings, ſetting as near as may be, an equal number of ſuch cauſes to each day.

X. Provided, If the buſineſs of the ſaid court be ended in leſs time than the days herein before appointed for the judges to ſit, they may adjourn to the next ſucceeding court.

XI. The ſheriff and his officers attending the ſaid court, during the ſitting of the ſaid court, may ſummon grand and petit juries, and witneſſes, and execute the commands of the ſaid court, within the city of *Williamſburg*, or other place where the general court ſhall be held, and half a mile round the ſame, and make return thereof; which return ſhall be ſufficient for the court to proceed upon.

XII. If any cauſes ſhall, at the end of the court remain undetermined, they ſhall be continued of courſe by the clerk, to the next ſucceeding court, without calling them in court.

GLEBES.

22 *Geo.* II. (1748) *cap.* 34. *ſect.* 5.

§ I. IN every pariſh, where good and convenient glebes are not already purchaſed and appropriated, a good and convenient tract of land, to contain at leaſt two hundred acres, ſhall be purchaſed by the veſtry, and be ſet apart for a glebe, for the uſe of the miniſter of ſuch pariſh, and his ſucceſſors; and where manſions, and other convenient out-houſes are not erected, for the miniſter's habitation, the veſtry of every ſuch pariſh, ſhall erect and build on ſuch glebe, one convenient manſion-houſe, kitchen, barn, ſtable, dairy, meat-houſe, corn-houſe, and a garden well pailed or incloſed, with mud-walls, with ſuch other conveniencies as they ſhall think fit, and ſhall levy the charge of ſuch buildings, and purchaſe of ſuch glebe, on the tithable perſons in ſuch pariſh.

II. Every miniſter, ſhall, during the time of his being miniſter of the pariſh, keep and maintain the manſion-houſe, out-

houſes and conveniences erected on his glebe, in tenantable repair; and ſhall ſo leave the ſame at his removal from the ſaid pariſh, or his death, (accidents by fire and tempeſts only excepted) or ſuch miniſter, his executors and adminiſtrators, ſhall be liable to the action of the church-wardens of the pariſh, wherein the value of ſuch repairs ſhall be recovered, in damages, with coſts of ſuit. And the damages ſo recovered, ſhall be laid out in making the neceſſary repairs upon the glebe: And every veſtry of a vacant pariſh ſhall put all the buildings upon their glebe into ſuch good and ſufficient repair, that it may be fit for the reception of the ſucceeding miniſter.

III. Provided, Any veſtry who ſhall judge the miniſter has not wilfully committed any waſte on his glebe, may make ſuch neceſſary repairs at the charge of their pariſh, as they ſhall think fit.

GRAIN.

1 *Geo.* II. (1727) *cap.* 10.

§ I. THE governor upon information of the ſcarcity of corn, or other grain, may iſſue his proclamation by and with the advice and conſent of the council, for prohibiting the exportation of any wheat, Indian corn, peaſe, or other grain, or of any flour or meal made of the ſame, for ſuch time as he, by the advice aforeſaid, ſhall judge neceſſary.

II. All grain, *&c.* laden or put on board any veſſel for tranſportation, during the continuance of ſuch prohibition, ſhall be forfeited, and may be ſeized, by the naval officer, or other officer of the cuſtoms in the diſtrict where ſuch grain, *&c.* ſhall be laden, and the owner thereof ſhall pay double the value of the ſame; one third of both the ſaid forfeitures to the king, one third to the governor, and the other third to the officer who ſhall ſeize, or any other perſon who ſhall proſecute for the ſame, in any court of record, by action of debt, bill, plaint or information.

III. Provided, Nothing in this act ſhall reſtrain the taking on board any veſſel, any proviſion of corn, peaſe, flour or meal, neceſſary for victualling ſuch veſſel in her voyage.

IV. Pro-

IV. Provided alſo, No grain or other commodities before enumerated, laden on board any veſſel for exportation, before notice of ſuch prohibition, ſhall be liable to ſeizure or forfeiture; nor the owner thereof ſubject to any penalty, if ſuch owner ſhall, in convenient time, after the publication of ſuch prohibition, reland and diſpoſe of the ſame in this colony.

GRAND JURIES.

22 *Geo.* II. (1748) *cap.* 11. *ſect.* 1.

§ I. EVERY county court ſhall cauſe twenty-four freeholders of their county, not being ordinary-keepers, conſtables, ſurveyors of high-ways, or owners or occupiers of a mill, to be ſummoned to appear at *May* and *November* courts yearly, out of which ſhall be impannelled a grand jury of fifteen at leaſt, to be ſworn to enquire into the breach of penal laws, and preſent the offenders; but ſhall preſent ſuch offences and breaches only, as ſhall be committed within twelve months before ſuch preſentment, unleſs otherwiſe directed by law: And ſuch grand jury having made their preſentments, ſhall be diſcharged.

II. Where they make any preſentment upon the information of any other perſon than themſelves, they ſhall write ſuch perſons names under ſuch preſentment.

III. Every ſuch grand jury may preſent, and the ſeveral county courts may hear and determine all offences made penal by the laws of this colony, tho' the recovery of the fines for ſuch offences ſhall be otherwiſe directed by the laws inflicting the ſame; and tho' the forfeiture thereby inflicted ſhall not amount to twenty-five ſhillings current money, or two hundred pounds of tobacco.

IV. Any freeholder ſummoned, and failing to appear (ſo as no grand jury can be impannelled) ſhall be fined by the court four hundred pounds of tobacco to the king, *&c.* for the uſe of the county, unleſs legal cauſe of non-appearance be ſhewn and allowed, at the next court held for ſuch county.

V. If any county court fails to order a grand jury, to be ſummoned

moned as aforesaid; or, upon appearance of fifteen, omits to swear a grand jury, every member of such court shall forfeit four hundred pounds of tobacco: And if any sheriff, upon order of court, shall fail to summon twenty-four freeholders, and return a pannel of their names, to *May* and *November* courts annually, he shall forfeit one thousand pounds of tobacco; both which last mentioned penalties shall be to the king, for the use of the county wherein the same shall be forfeited, and recoverable by information in the general court.

VI. For presentments to be made at the general court, the sheriff, or officer attending such court, shall summon a grand jury of the by-standers, being freeholders, who may make presentment of any offences committed within this colony, except where the penalty inflicted by the law in force, is under twenty shillings, or two hundred pounds of tobacco. And the court shall have power to hear and determine such offences, in the same manner as herein before directed in the county courts.

VII. The general court, upon the first or second day of their sitting, may make a rule for the officer attending the court, to summon twenty-four persons for a grand jury; and every person so summoned, and failing to appear, shall be fined four hundred pounds of tobacco to the king, for support of this government.

VIII. Provided, No grand jury shall make presentments of their own knowledge, upon the information of less than two of their own number.

IX. 22 *Geo.* II. (1748) *cap.* 13. *sect.* 5. The sheriffs of *York* and *James' City* counties, upon writs to them directed out of the secretary's office, which writs the clerk of the said office shall issue six days at least before the day of holding every court of *Oyer* and *Terminer*, shall each of them summon twelve good and lawful freeholders of their respective counties, to appear and attend such court of *Oyer* and *Terminer*; which twenty-four freeholders, or as many of them as shall appear, shall be of a grand jury, and may enquire of, and present all treasons, felonies, and other offences, cognizable by the justices of *Oyer* and *Terminer*, committed or done within this colony,

X. Any

X. Any freeholder ſo ſummoned, and failing to appear and attend the ſaid court, may be fined by the juſtices thereof, not exceeding four hundred pounds of tobacco.

HABEAS CORPUS.

27 *Geo.* II. (1753) *cap.* 1. *ſect.* 30.

§ I. ANY perſon committed, in a civil action, to a county or corporation goal, for any matter cognizable in the general court, may ſue out an *Habeas Corpus cum cauſa*, to remove his body to the public general court priſon, and the cauſe of ſuch commitment into the general court, and the clerk of the ſecretary's office ſhall iſſue ſuch writ accordingly.

HEMP.

22 *Geo.* II. (1748) *cap.* 48.

§ I. THERE ſhall be paid to the perſon making the ſame, four ſhillings for every groſs hundred of hemp, winter or water-rotted, dry, bright and clean.

II. Any juſtice of peace, or conſtable of any county, wherein hemp ſhall be made, may upon application by the owner thereof, truly weigh all ſuch hemp as ſhall be offered to him, and deſired to be weighed; and ſhall give a certificate to the county court, of the true quantity ſo weighed, and the name of the maker or owner thereof, for which ſuch juſtice or conſtable ſhall receive, of ſuch maker or owner, five ſhillings *per* ton, and ſo proportionably for a greater or leſs quantity, which certificate being produced to ſuch county court, and oath made before them, by the maker or owner, that the hemp therein mentioned was duly weighed, and at that time was winter or water-rotted, dry, bright, and clean, and made upon his or her plantation in ſuch county, or on what plantation the ſame was made, That he, nor any other perſon for him, hath obtained a certificate, or received a reward or premium for the ſame; the clerk of ſuch court ſhall certify the ſame to the governor, or commander in chief, who, upon the party's pro-

producing ſuch certificate, may iſſue his warrant to the treaſurer, for the payment of what ſhall appear to be due by virtue of this act.

III. Every perſon convicted of making a falſe oath, in obtaining any certificate, to entitle him or her to the reward hereby given, ſhall forfeit four times the money obtained by means of ſuch ſalſe oath, to the informer; to be recovered with coſts, in any court of record where the ſame ſhall be cognizable, by action of debt or information, and moreover ſhall ſuffer as for wilful and corrupt perjury.

IV. The treaſurer ſhall pay to the parties entitled thereto, all ſuch ſums as ſhall be ordered by the governor's warrant, for the ſaid bounties, out of any public money in his hands, which ſhall be allowed him upon paſſing his accounts, provided, the ſaid rewards ſhall not exceed four thouſand pounds.

HIGHWAYS.

22 *Geo.* II. (1748) *cap.* 28. *ſect.* 1.

§ I. THE ſeveral county courts, may, by their order, direct the alteration of public roads already made, or to be made; and the making new roads in ſuch places as to them ſhall ſeem convenient, for paſſing to and from *Williamſburg*, the court-houſe of every county, the pariſh churches, and all public mills and ferries.

II. All ſuch roads and highways made, or to be made, ſhall be at all times kept well cleared and grubbed, at leaſt thirty foot broad.

III. If any perſon ſhall fell any tree into ſuch highway, or cauſe the ſame to be felled, and not cut or carried away within forty eight hours, or ſhall kill any tree within ſixty feet of ſuch highway, or cauſe the ſame to be killed, and not felled, or ſhall make any fence into the highway, he ſhall forfeit for every ſuch offence, ten ſhillings current money to the informer; to be recovered with coſts, before any juſtice of the county.

IV. Provided, When application is made to any county court,

to

to have a new road cleared, or any former road altered, ſuch court ſhall appoint three or more fit and able perſons, to view the lands whereon the ſaid roads are propoſed to be cleared, or altered, who, upon oath taken before a juſtice, faithfully and impartially to perform the ſaid ſervice, ſhall make report to the next court, of the conveniencies and inconveniencies of the ſaid intended road, or alteration.

V. Where it ſhall be neceſſary and convenient, to make and clear a road in one county, to ſome public place in another, and a road ſhall be accordingly made and cleared, by order of the juſtices of either of the ſaid counties, as far as their county extends; the juſtices of ſuch adjacent county, ſhall cauſe a convenient road to be made and cleared through their county, to ſuch public place, or upon failure or refuſal ſo to do, ſhall forfeit to the juſtices of ſuch other county, two thouſand pounds of tobacco; to be recovered by action of debt or information, in the general court, and applied by the ſaid juſtices to the uſe of their county, towards leſſening the levy thereof.

VI. Every county court ſhall divide the public roads of their county into precincts, and annually, between the laſt day of *April*, and the firſt day of *Auguſt*, and at any other time when they think neceſſary, appoint a ſurveyor of each precinct; and the tithable who ſhall attend each ſurveyor reſpectively, or the juſtices of any court failing ſo to do, ſhall forfeit two thouſand pounds of tobacco to the informer; recoverable with coſts in the general court, as aforeſaid.

VII. All male labouring tithables, ſhall, when required, attend the ſurveyor and aſſiſt him in laying out, clearing and repairing the roads in his precinct, except ſuch as are maſters of two or more male labouring tithable ſlaves. But every other tithable free male labouring perſon, failing to attend with proper tools, when required by ſuch ſurveyor, or refuſing to work when there, or not providing or ſending another perſon to work in his room, ſhall, for every ſuch failure or refuſal, forfeit five ſhillings: And the owner of tithable male labouring ſervants or ſlaves, ſhall forfeit five ſhillings for every ſuch tithable he ſhall fail to ſend,

when required as aforesaid. And every surveyor, failing to send his own male labouring tithables, shall forfeit five shillings for every tithable he fails to send, which penalties shall be to the informer; and recoverable with costs, before a justice of the county where the offence is committed.

VIII. Where legal cause of disability to attend shall be shewn, the justice may allow thereof, and dismiss the defendant. And where any person is by law exempted from service upon the highways, such exemption shall be allowed.

IX. Any surveyor failing to perform his duty, shall forfeit fifteen shillings current money to the informer; to be recovered with costs, as aforesaid.

X. Every surveyor, with the assistance aforesaid, shall make bridges in all necessary places in his precinct, which shall be at least twelve foot broad, level and passable, and shall keep the same in repair; and for that purpose, may cut and take from off the lands of any person, next adjacent to such bridge or place, such, and so much timber only, as shall be necessary for that use, which shall be first viewed and valued, by two honest house-keepers upon oath, appointed and sworn by some justice of the county: And the court of that county, shall, in the next county levy, allow the owner according to such valuation, upon a certificate, from the said house-keepers, produced to them.

XI. Where the surveyor, with his assistants, cannot make such a bridge, the court of that county shall contract and agree for the building and repairing thereof, and levy the charge in their county levy.

XII. Where bridges, or causeways are necessary, from one county to another, the court of each county shall join in the agreement for building and repairing the same; and the charge thereof shall be defrayed by both counties, in proportion to the number of tithables in each.

XIII. If the justices of any county, adjoining to such place, over which a bridge, or causeway shall be wanting and necessary, shall refuse to join in such agreement with the justices of the county on the other side, for building, rebuilding, or repairing

such

ſuch bridge, or cauſeways, and to levy their proportion of the charge thereof, in their county levy; the juſtices ſo refuſing, ſhall forfeit two thouſand pounds of tobacco to the juſtices of the county propoſing ſuch agreement; to be recovered by them, by action of debt or information, in the general court, and applied to the uſe of their county, towards leſſening the levy thereof: But ſuch recovery ſhall not diſcharge the juſtices refuſing, nor the other juſtices of that county, from levying and paying ſuch proportion afterwards, in their county levy, as if ſuch recovery had not been.

XIV. If any mill-dam, over which any public road leads, or the bridge, paſſage of the pier-head, flood-gate, or waſte over the ſame, ſhall be leſs than twelve feet broad at the top, for the whole length of the dam, bridge, or paſſage, the owner or occupier of ſuch mill, ſhall forfeit twenty ſhillings for every ſuch offence; recoverable with coſts, before any juſtice of the county; one moiety to the informer, the other to the church-wardens of the pariſh, in which ſuch mill is, to the uſe of their pariſh. And every owner or occupier of a mill, ſhall cauſe ſtrong rails to be ſet up, and kept in repair on each ſide of ſuch bridge, paſſage, flood-gates, or waſte, under the like penalty.

XV. Provided, If any mill-dam, or the flood-gates, or pier-head be deſtroyed, or carried away by tempeſt, or other accident, the owner or occupier thereof, ſhall not be liable to any of the ſaid penalties, until one month after ſuch mill hath ground one buſhel, at leaſt, of *Indian*-corn, or other grain for toll.

XVI. Where any bridge over the pier-head, flood-gates, or waſte, is already built ten feet wide, with ſtrong rails to the ſame, ſuch bridge ſhall be ſufficient, ſo long as it ſhall be in good repair.

XVII. Where two or more croſs roads meet, the ſurveyor ſhall erect, and keep in repair, in the moſt convenient place where ſuch roads join, a ſtone or poſt, with plain inſcriptions thereon, in large letters, directing to the moſt noted place, to which each of the ſaid joining roads leads; and the ſurveyor may take any trees, or wood, not being timber, from any adjacent lands, for

ſetting up ſuch poſt: And the expence he ſhall be at, in ſetting up the ſame with the inſcriptions thereon, and keeping them in repair, ſhall be reimburſed by the county at their next levy, after ſuch ſervice performed.

XVIII. Any ſurveyor, neglecting to cauſe ſuch ſtone or poſt to be ſet up, and the ſame, and the inſcriptions to be repaired and renewed when neceſſary, ſhall forfeit fifteen ſhillings for every month ſuch ſtone or poſt ſhall be wanting; to be recovered and applied as in *ſect.* 9.

XIX. Any perſon, cutting, pulling up, deſtroying, or defacing ſuch ſtone or poſt, or the inſcriptions thereon, being convicted thereof, by confeſſion, or the oath of one or more credible witneſs, or witneſſes, before a juſtice of the county, ſhall forfeit twenty ſhillings current money for every ſuch offence to the informer with coſts: But where the informer ſhall be a witneſs, ſworn upon the trial, the penalty ſhall be to the uſe of the county, towards leſſening their levy; and, in default of preſent payment, the offender ſhall, by order of ſuch juſtice, receive twenty laſhes on the bare back, well laid on.

HOG-STEALING.

22 *Geo.* II. (1748) *cap.* 41. *ſect.* 1.

§ I. ANY perſon, not being a ſlave, ſtealing any hog, ſhoat, or pig, for the firſt offence, ſhall receive, on his or her bare back, twenty five laſhes well laid on, at the whipping-poſt of the county where the offender ſhall be convicted, or pay down ten pounds current money, to the uſe of the ſame county, towards leſſening that county levy; and moreover, ſhall pay four hundred pounds of tobacco, for every ſuch hog, ſhoat, or pig; one half to the owner thereof, and the other to the informer; to be recovered with coſts, at the ſuit of the informer, by action of debt, in any county court.

II. Any perſon other than a ſlave, offending a ſecond time, and being thereof convicted, ſhall ſtand two hours in the pillory, on a court day, and have both ears nailed thereto, and at the

end of the ſaid two hours, have his or her ears cut looſe from the nails: Which judgment, the county courts may give, and award execution upon: Saving to the party concerned liberty of appealing to the general court; provided they give bond, with good ſecurity, in twenty pounds ſterling, for his or her perſonal appearance in the ſaid court, according to the appeal, and to perform and abide their award; and moreover, ſhall pay four hundred pounds of tobacco, for every ſuch hog, ſhoat, or pig, to the owner and informer; and to be recovered as aforeſaid.

III. If there be ſeveral offenders in one and the ſame fact, although but one hog, ſhoat, or pig be ſtolen, each perſon may be particularly proſecuted, and upon conviction adjudged to ſuffer the puniſhment, and pay the whole fine as aforeſaid.

IV. If any ſervant be convicted of hog-ſtealing, the maſter or owner of ſuch ſervant ſhall pay the ſaid four hundred pounds of tobacco, and ſhall be repaid for the ſame, and coſts of ſuit, by further ſervice of ſuch offender, after his or her time by indenture, contract, or former judgment expired, after the rate of one hundred and fifty pounds of tobacco for a month's ſervice; and judgment ſhall be entered up accordingly.

V. When any ſlave ſhall ſteal any hog, ſhoat, or pig, any juſtice of the county where the offence is committed, upon complaint, may cauſe the offender, and the witneſs or witneſſes to come before him; and if, upon examination, any ſlave appears to be guilty, may commit him or her to priſon, or bind him or her with ſecurity, to appear perſonally before the court next thereafter to be held for the county, to anſwer ſuch complaint, and abide the judgment of the ſaid court: And the juſtices thereof, ſhall direct the perſon appointed to proſecute for the king in the ſame court, to exhibit a charge or complaint in writing, againſt ſuch ſlave, for ſuch offence; whereupon, the ſaid court may hear and determine the matter of ſuch complaint without a jury, and receive as evidence the confeſſion of the offender, the oath of one or more credible witneſſes, or ſuch teſtimony of *Negros*, *Mullattos*, or *Indians*, bond or free, as to them ſhall ſeem convincing; and if, in the opinion of ſuch court, the ſlave ſo

charged

charged is guilty, he or ſhe ſhall, for the firſt offence, receive thirty nine laſhes on the bare back, well laid on, at the public whipping-poſt. And, upon a ſecond conviction, ſtand two hours in the pillory, with both ears nailed thereto, and then cut looſe.

VI. Any perſon whatſoever, convicted of hog-ſtealing a third time, ſhall be adjudged a felon.

VII. If any perſon ſhall bring, or cauſe to be brought, to his or her own houſe, or on board any ſhip, ſloop, or other veſſel, any hog, ſhoat, or pig, without ears, or ſhall receive any ſuch, and not immediately diſcover the ſame to a juſtice; ſuch perſon ſhall be adjudged a hog-ſtealer; provided any perſon may bring to his houſe, or on board any veſſel, his own ſwine, though without ears, proving the ſame to be his property.

VIII. All *Indians*, keeping hogs, ſhall give them the ſame mark that hath been, or by the next adjacent county court ſhall be allowed to their town. And if any perſon, not being an *Indian*, ſhall buy or receive from any *Indian*, any pork, and cannot prove ſuch pork to be of the proper mark of the town of *Indians*, to which ſuch *Indian* ſhall belong, ſuch perſon ſhall forfeit one thouſand pounds of tobacco; one half to the king, the other to the informer; to be recovered with coſts, by action of debt, in any court of record.

HORSES.

22 *Geo.* II. (1748) *cap.* 40. *ſect.* 1.

§ I. IF any inhabitant of this colony, not having a freehold of fifty acres of land, or poſſeſſed of, and occupying lands and tenements, of the value of twenty pounds, or not being a tenant and occupying lands or tenements, for which he pays five hundred pounds of tobacco, or fifty ſhillings current money, or more annual rent, ſhall keep any ſtoned horſe, or breeding mare, or any more than one gelding, or ſpaid mare; any perſon, being a freeholder or tenant qualified according to this act, may take up and ſeize every horſe, mare, or colt, kept contrary to this act and running at large; but the perſon taking up the ſame ſhall,

within

within three days after such taking up, and three days at least before the next county court day, where the owner resides, give notice of such taking up, to such owner, in writing: And if the owner shall not, at such next court, make proof, that he is an inhabitant of some place out of this colony, or is a freeholder, occupier, or tenant, as aforesaid, every such horse, mare, gelding and colt, shall be forfeited to the seizor, for his own use, and he shall have the property thereof: But if such notice be not given, three days before the court next after such taking up, the owner shall not be obliged to appear, till the court held next after the expiration of the said three days.

II. No overseer, not being a freeholder in the county wherein he resides, nor any servant whatsoever, shall be owner of any unspaid mare, nor keep any horse, mare, or colt, without the licence in writing, of his master or mistress; neither shall keep more than one, although so licenced; upon pain of forfeiting every such horse, mare, or colt, to any one that will inform for the same; recoverable before any justice in the county wherein the offence shall be commited.

III. No person shall keep upon any lands, not having a sufficient fence, any stoned horse of two years old, under thirteen hands and an half high, to be measured from the lowest part of the hoof of the fore foot, to the highest part of the withers, each handful to contain four inches of the standard; upon penalty of forfeiting such stoned horse, or forty shillings current money. And any freeholder, or tenant, qualified according to this act, may seize any such horse found at large, as aforesaid, and bring him before a justice of the county where taken up, and upon oath made before him by the seizor, and one or more credible witness or witnesses, that such horse was found, and taken up running at large, in uninclosed ground; such justice shall forthwith cause the same to be measured; and if it shall appear that such horse is not of the size by this act required, the justice shall grant a certificate thereof to the seizor, who may thereafter keep such horse as his own.

IV. Provided, Every person taking up such stoned horse, and obtain-

obtaining certificate thereof, shall give notice of the same, in writing, affixed at the doors of the court-house of the county, and church, or churches of that parish, where such taking up was, describing the marks, colour, and brand of such horse. And if, within two months after such publication, the owner shall pay, or tender forty shillings current money to the taker up, he shall accept the same, and restore such horse to his former owner.

V. 22 *Geo.* II. (1748) *cap.* 42. *sect.* 12. No person shall pass through this colony with led horses, or expose to sale any horse, mare, or colt, without producing a separate certificate, under the seal of the colony, from whence he brought the same, setting forth the size, colour, flesh marks, and brand of such horse, mare, or colt, together with such persons property therein, to any person or persons, demanding a sight of the same.

VI. Every importer of horses into this colony for sale, shall, with every horse, mare, or colt, he shall sell, deliver to the purchaser thereof such certificate: which certificate, such purchaser shall in like manner produce to any person, demanding a sight of the same; and if such importer or purchaser shall fail, or refuse to produce such certificate when required, every horse, mare, or colt, for which no such certificate shall be produced, shall be forfeited.

HORSE-STEALING.

22 *Geo.* II. (1748) *cap.* 42. *sect.* 11.

§ I. EVERY person or persons, who shall apprehend and prosecute to conviction any one guilty of stealing an horse, shall receive, of the treasurer of this colony, ten pounds, within two months after such conviction, upon tendering to the said treasurer, under the hand of the clerk of the General Court, or court of *Oyer* and *Terminer*, a certificate of the conviction of such felon for the said offence, and in what parish the same was committed; and also, that such felon was taken up by the person or persons claiming such reward.

II. If any dispute arises between the parties apprehending such felon,

felon, touching the said reward, the judges of the court, before whom the said felon was convicted, shall, by the said certificate, direct the reward to be paid to the parties claiming the same, in such proportions as to them shall seem reasonable.

III. If any person, endeavouring to apprehend, or making pursuit after any such horse-stealer, be killed by him or them, his executors or administrators, or the person to whom the right of administration of the personal estate of the person so killed shall belong, upon certificate, delivered under the hands and seals of two justices of the county (to be immediately given upon sufficient proof thereof made before them) that such person was so killed, shall be paid fifty pounds by the said treasurer.

HOUSE-BREAKING.

3 and 4 *Geo.* II. (1730) *cap.* 4.

§ I. EVERY person that shall by night or day, feloniously break any warehouse, or storehouse, and take therefrom any money, goods, chattels, wares, or merchandizes, of the value of twenty shillings lawful money, although the owner of such goods, or any other person be, or be not in such warehouse, or storehouse; or shall aid, assist, counsel, hire, or command any person so to break and rob any such warehouse, or storehouse, and shall be thereof convicted or attainted; or being thereof indicted, shall stand mute, or will not answer directly to the indictment, or shall peremptorily challenge above twenty persons returned of the jury, shall be absolutely debarred from the benefit of the clergy.

HOUSE-BURNING.

3 and 4 *Geo.* II. (1730) *cap.* 4.

§ I. EVERY person that shall by night or day, maliciously, unlawfully, and willingly, burn any tobacco-house, warehouse, or storehouse, or any house or place, where wheat, *Indian*-corn, or other grain, shall then be kept, or any other

houſe whatſoever; or ſhall comfort, aid, abet, aſſiſt, counſel, hire, or command any perſon to commit any of the ſaid offences; being thereof convicted or attainted; or being indicted thereof, ſhall ſtand mute, or will not anſwer directly to the indictment; or ſhall peremptorily challenge above twenty perſons returned of the jury, ſhall be adjudged a felon, and ſuffer death as in caſe of felony, without benefit of clergy.

HUNTING.

9 *Ann*, (1710) *cap*. 13. *ſect*. 40.

§ I. EVERY perſon ſhooting, hunting, or ranging upon the lands, or fiſhing, or fowling in any creeks or waters included within the lands of any other perſon, without licence firſt obtained of the proprietor, and being thereof convicted, by confeſſion, or the oath of one witneſs, ſhall forfeit for every ſuch offence, five hundred pounds of tobacco: to be recovered with coſts by the party grieved, to his own uſe, by action of debt, bill, plaint or information, in any court of record, and ſhall be further liable to an action at the common law, wherein the party grieved ſhall recover his damages. And if any perſon ſhall be a third time convicted in manner aforeſaid, of ſuch ſhooting, hunting, fiſhing, fowling, or ranging, the juſtices of that court, over and above giving judgment for the forfeiture aforeſaid, ſhall commit ſuch perſon to the common goal, until he finds ſufficient ſureties to be bound with him, in the ſum of ten pounds ſterling, for his good behaviour for one year next coming; and if in that time he ſhall be again found guilty in manner aforeſaid, of any ſuch offence, the ſame is hereby declared to be a breach of the good behaviour.

II. 12 *Geo*. II. (1738) *cap*. 14. *ſect*. 9. Any perſon hunting, or ranging on the patented lands of any other freeholder, without the leave of the owner of ſuch lands, ſhall forfeit twenty ſhillings for every ſuch offence; to be recovered before any juſtice of the county on conviction, by confeſſion of the party, or the oath of one credible witneſs; one half to the uſe of the pariſh

riſh where the offender reſides, and the other to the informer: But where the offender is convicted by the oath of the owner of the land, the whole penalty ſhall go the pariſh.

INCEST.

3 and 4 *Geo.* II. (1730) *cap.* 2. *ſect.* 5.

§ I. IF any perſon ſhall marry within the levitical degrees prohibited by the laws of *England*; that is to ſay, If a man ſhall marry his

1. Mother,
2. Father's wife,
3. Father's wife's daughter,
4. Father's ſiſter,
5. Mother's ſiſter,
6. Uncle's wife,
7. Siſter,
8. Brother's wife,
9. Son's daughter,
10. Daughter's daughter,
11. Son's wife,
12. Wife's daughter,
13. Wife's ſon's daughter,
14. Wife's daughter's daughter,
15. Wife's ſiſter.

Every perſon ſo unlawfully married, ſhall be ſeparated by the definitive ſentence or judgment of the general court; and the children begotten under ſuch marriage, ſhall be accounted illegitimate: And the attorney-general, upon information of any ſuch marriage, ſhall exhibit a bill to the judges of the general court againſt any perſons ſo unlawfully married, who ſhall be compelled, upon oath, to anſwer the ſame: And upon ſuch bill and anſwer, and depoſitions of witneſſes, if neceſſary, ſuch court may give judgment, and declare the nullity of ſuch marriage; and moreover, may puniſh the parties by fine at diſcretion; and if they ſee fit, may cauſe the parties ſo ſeparated, to give bond, with ſufficient ſurety, that they will not thereafter cohabit, under ſuch penalty as they ſhall judge reaſonable.

II. If any perſon ſhall, without marrying, carnally know, or have copulation with any perſon within the degrees aforeſaid; every perſon being convicted of ſuch offence in any court of record, ſhall be fined at the diſcretion of ſuch court: And on re-

fuſal to pay ſuch fine immediately, or to give ſurety for the payment thereof, at laying the next pariſh levy, ſhall, by order of the ſaid court, be publickly whipped on the bare back, not exceeding thirty nine laſhes: And ſuch court may commit ſuch perſons ſo convicted to goal, till he or ſhe gives bond, with ſufficient ſurety, for their future ſeparation.

INDIANS.

4 *Ann*, (1705) *cap.* 52. *ſect.* 1.

§ I. NO *Indian* king, or other tributary *Indian*, ſhall ſell, or convey to any perſon, other than to ſome of their own nation or poſterity, in fee for life, or for years, the lands laid out and appropriated for the uſe of the ſaid *Indians*, or any part thereof; or any other land which any of the ſaid *Indians* are poſſeſſed of, or pretend to claim, by virtue of the articles of peace made and concluded with them the twenty ninth day of *May*, 1677, or by any other title whatſoever; but every ſuch bargain, ſale, or demiſe, ſhall be abſolutely void.

II. If any perſon (other than the *Indians*, and their poſterity) ſhall hereafter purchaſe or obtain any conveyance in fee, or leaſe for years, from any of the ſaid *Indians*, of any lands, tenements, *&c.* ſo laid out, now poſſeſſed, or juſtly claimed by the ſaid *Indians*; or ſhall occupy, or tend any of the ſaid lands, by permiſſion of the ſaid *Indians*, or otherwiſe, ſuch perſon, on conviction, ſhall forfeit ten ſhillings current money, for every acre ſo purchaſed, leaſed, or occupied; and the like ſum for every year, during the continuance of the poſſeſſion or occupation of the lands, by virtue of ſuch purchaſe or leaſe: One moiety of the ſaid forfeitures to the queen, the other to the informer; to be recovered by action of debt, bill, plaint or information, in any court of record.

III. For explaining that clauſe in the articles of peace, 'That 'no *Engliſh* ſhall ſeat or plant, nearer than three miles of any *In*'*dian* town:' *It is declared*, That where any *Indian* town is ſeated, on or near a navigable river, and the *Engliſh* have already

ſeated

ſeated within three miles of the ſame, on the oppoſite ſide of the river, the privilege of ſuch *Indian* town ſhall be limited by the river.

IV. The tributary *Indians* ſhall be well ſecured and defended in their perſons, goods, and properties; and whoever ſhall defraud, or take from them their goods, or do hurt or injury to their perſons, ſhall make ſatisfaction, and be puniſhed for the ſame according to law, as if the *Indian* ſufferer had been an *Engliſhman*.

V. The tributary *Indians* ſhall enjoy their wonted conveniencies of oiſtering and fiſhing, and of gathering on the lands belonging to the *Engliſh*, tuckahoe, cuttenemons, wild oats, ruſhes, puckoon, or other things not uſeful to the *Engliſh*, upon a licence firſt had from a juſtice of the county where they come for thoſe purpoſes: And if any *Engliſhman* takes from any of the ſaid *Indians*, any goods, or kills, wounds, or maims any of them as they come in, whilſt they tarry, or as they return; he ſhall be puniſhed, and ſuffer as if he had done the ſame thing to an *Engliſhman*.

VI. Provided, The ſaid *Indians* bring with them no guns, ammunition, or offenſive weapons, but firſt obtain a licence, as aforeſaid, in which ſhall be limited the time of their ſtay; beyond which, it ſhall not be lawful for them to tarry.

VII. All tributary *Indian* kings and queens, having the leaſt notice of a march of ſtrange *Indians* near the *Engliſh* quarters or plantations, ſhall forthwith repair, or at leaſt ſend one of their great men to the next militia officer, to acquaint him with what they know of their nation, number, and deſign, and which way they bend their courſe; and if the tributary *Indians* then deſire any aid againſt the ſtrange *Indians*, the colonel of the militia in thoſe parts, ſhall forthwith ſend out a convenient party of the militia to join with them for their better defence and ſecurity.

VIII. All *Indians*, under the protection of this government, ſhall march with the *Engliſh*, in purſuit of foreign *Indians*, when commanded, and continue in the purſuit as occaſion requires.

IX. There ſhall be a free and open trade for all perſons, at all times and places, with all *Indians* whatſoever.

X. Provided,

X. Provided, That any perſon ſelling, or offering to ſale, to any *Indian*, any rum or brandy, in any town of the tributary *Indians*, or any land belonging thereto; and being thereof convicted before any juſtice of the county where the offence ſhall be commited, ſhall forfeit ten ſhillings for every quart ſold, or offered to ſale, and ſo proportionably for a greater or leſſer quantity; one moiety to the queen, and the other to the informer.

XI. Provided, If any perſon or perſons ſhall hereafter, at his or her own charge, diſcover any town or nation of *Indians*, to the Weſtward of, or between the *Appalatian Mountains*; the governor, with the advice and conſent of the council, by charter or grant, under the colony ſeal, may grant to ſuch diſcoverers their executors, adminiſtrators, and aſſigns, for fourteen years then next coming, the ſole liberty and right of trading with every ſuch town or nation ſo diſcovered, with ſuch clauſes of prohibition of all other perſons from the ſaid trade, and under ſuch penalties and forfeitures as ſhall be thought convenient: Which charter or grant, ſhall be good and valid in law, to the intents and purpoſes therein mentioned. And, if occaſion requires, the ſaid governor, with the advice and conſent of the council aforeſaid, by ſuch charter or grant, as aforeſaid, may take and conſtitute ſuch diſcoverers, and ſuch other perſons as they ſhall deſire, to be a body corporate and politic, by ſuch name, and in ſuch manner, and with ſuch liberties as ſhall appear neceſſary for better enabling them to make the moſt advantage of the ſaid trade, excluſive of all other perſons.

XII. All acts heretofore made, for ſo much as relates to the tributary *Indians*, or to a free and open trade with all *Indians*, or any other matter within the purveyers of this act, except an act made 18 *April* 1705. intituled, *An act concerning the* Nanſiattico *and other* Indians, are hereby repealed.

XIII. 8 *Geo*. I. (1722) *cap*. 3. After the raticafition of the treaty intended with the five nations of *Indians* at *Albany*, no *Indian* or *Indians*, tributary to this government, ſhall croſs *Potomack* river, or paſs to the weſtward of the great ridge of mountains, without a licence firſt obtained from the governor, or commander

mander in chief of this dominion, under the colony ſeal, containing the number of the *Indians* ſo licenſed, and the occaſion of granting the ſame: And all and every ſuch *Indian* offending herein, or going in greater numbers than are mentioned in ſuch licence, on conviction, ſhall ſuffer death, or be tranſported to the *Weſt Indies*, there to be ſold as ſlaves, as ſhall be awarded by the court, hereby appointed for trial of the ſaid offences. And if any tributary *Indian* ſo offending, ſhall be killed out of the limits aforeſaid, by foreign *Indians*, or by any of his majeſty's ſubjects inhabiting beyond the ſaid limits; or ſhall be taken up, tranſported, or ſold, by either of them, no ſatisfaction ſhall be demanded by this government for ſuch killing or tranſportation.

XIV. None of the *Indians* of the ſaid five nations ſhall, after the ratification aforeſaid, hunt or travel in or thro' any part of this dominion, lying on the ſouth-ſide of *Potomack*, or on the eaſt-ſide of the ſaid great ridge of mountains, without a licence from the governor or commander in chief of *New York*, under the like penalties as are herein before inflicted on the tributary *Indians*.

XV. The governor and council (whereof the governor or commander in chief to be one) may hold a court at any time and place within this colony, by the ſaid governor or commander in chief, to be appointed to hear and determine all offences againſt this act; and may take for proof the oath of one or more credible witneſſes, or ſuch *Indian* teſtimony, or pregnant circumſtances, as ſhall be convincing, and may proceed thereon without the ſolemnity of a jury.

XVI. When any ſuch *Indian* ſhall be condemned to death, there ſhall be paid to the perſon taking up ſuch *Indian*, one thouſand pounds of tobacco by the public; and if ſuch *Indian* ſhall be condemned to tranſportation, the taker up ſhall have the benefit of ſelling ſuch *Indian*, and receive to his own uſe, the money ariſing by ſuch ſale.

XVII. Provided, Where the governor, or commander in chief, ſhall find any offenders againſt this act, fit objects of mercy, he may, with the advice and conſent aforeſaid, mitigate ſuch pu-

niſhment,

niſhment, or totally remit the ſame, and ſend the offenders back to their own nation, as ſhall be moſt conducive to the intereſt of the colony.

XVIII. Every nation of *Indians*, who ſhall hereafter become tributary to this government, and every nation of foreign *Indians*, who ſhall hereafter, by treaty with this government, agree to be confined to certain limits in their hunting and travelling, ſhall be liable to the like penalties for departing out of the ſame: And the governor, or commander in chief of this dominion, with the advice of the council, ſhall have the ſame powers and authorities of puniſhing or pardoning the ſaid offences committed by ſuch *Indians*, as are herein before inflicted, directed, or given.

XIX. 30 *Geo.* II. (1757) *cap.* 5. *Peter Randolph*, eſq; *William Randolph, Richard Bland, Archbald Cary* and *Thomas Walker*, gentlemen, are appointed truſtees and directors, for carrying on an *Indian* trade, and they ſhall ſend to *Great Britain* for, or purchaſe a cargo of ſuch goods as may beſt anſwer the *Indians* occaſions, and ſend them to ſome fortreſs on the South-weſtern frontiers of this colony; or to any *Indian* town or place, which they ſhall judge moſt convenient for carrying on the ſaid trade.

XX. The ſaid directors ſhall contract with ſome factor or factors, to diſpoſe of the ſaid goods, at ſuch advance, and under ſuch regulations, as ſhall be ſettled by them from time to time; and ſhall receive in exchange for them, ſuch ſkins, furrs, and other valuable commodities as the *Indians* have to diſpoſe of, which ſhall be ſhipped by the ſaid directors, and conſigned to ſome merchant or merchants in *Great Britain*, and the produce laid out in the purchaſe of another cargo for the ſaid trade, which the directors ſhall carry on at the riſque, and for the profit of the public, for five years from the paſſing of this act, and no longer.

XXI. Provided, The ſaid directors ſhall not ſend, or permit to be ſent any rum, brandy, or other ſpirituous liquors, to be ſold to ſuch *Indians*.

XXII. The ſaid directors, may employ one or more *Indian* interpreters to reſide at the ſaid fortreſs; and ſuch meſſenger or

meſſen-

meſſengers, as they ſhall think neceſſary to ſend to any nation, or tribe of *Indians*, to notify to them the trade hereby intended to be eſtabliſhed with them. The expences of which interpreters and meſſengers, ſhall be allowed in the ſaid directors accounts.

XXIII. The factor or factors ſhall give bond, with good ſecurity, to the ſaid directors and their ſucceſſors, in the penalty of double the value of the goods committed to their management; not to trade with the ſaid *Indians* on their own, or any other private account; and to render a faithful account of the ſale of ſuch goods, with the produce thereof; and in a fair, juſt, and mercantile method, to keep accounts of all the dealings and tranſactions in the ſaid trade, and annually to deliver a true copy of his or their books of accounts to the ſaid directors, and ſettle the ſame with them. And the ſaid factors ſhall be allowed ſuch ſallary for their ſervice, as the ſaid directors ſhall think they deſerve, and contract with them for.

XXIV. A committee appointed for that purpoſe by the houſe of burgeſſes, ſhall annually inſpect the accounts and proceedings of the ſaid directors, and report the ſtate of the ſame to the general aſſembly.

XXV. If any of the ſaid directors ſhall happen to die, the ſurveyors ſhall elect another fit perſon in the room of him ſo dying who ſhall have the ſame power as if named in this act. And the ſaid directors ſhall be called, *The Truſtees of the* Indian *factory of* Virginia, and by that name and ſtile, ſhall have ſucceſſion, during the continuance of this act; and may ſue, and be ſued in all caſes relating to the ſaid truſt, and generally do every thing required to be done by them in their truſt aforeſaid.

XXVI. The treaſurer, out of the public money in his hands, ſhall, by the governor's warrant, pay the ſaid directors ſo much money as ſhall be neceſſary for the purpoſes aforeſaid, not exceeding five thouſand pounds in the whole.

XXVII. 30 *Geo.* II. (1757) *cap.* 8. The treaſurer ſhall pay to any perſon or perſons, party or parties, either in the pay of this colony, or other inhabitants thereof, or to any *Indian* or *In-*

dians in amity with this colony, fifteen pounds for every *Indian* enemy taken priſoner, and ten pounds for every ſuch enemy killed or deſtroyed within the limits of this colony, within the ſpace of two years after paſſing this act.

XXVIII. Every *Indian* ſo taken priſoner ſhall be delivered to the keeper of the public goal, to be ſafely kept until diſcharged by the governor, or commander in chief. And the ſcalp of every ſuch *Indian* ſo killed or deſtroyed, ſhall be produced to the governor, or commander in chief; before whom the perſon or perſons (not being *Indians*) producing the ſame, ſhall prove by affidavits, or his or their oath, the time and place of taking priſoner, killing or deſtroying ſuch *Indian* enemy. Or if any *Indian* or *Indians*, ſhall give ſufficient ſatisfaction thereof, to the governer, or commander in chief, who, in any of the ſaid caſes, is deſired to iſſue his warrant for the payment of the ſaid rewards, to the perſon or perſons intitled thereto.

XXIX. For every *Indian* enemy ſo taken priſoner, killed or deſtroyed, within the time and limits aforeſaid, the further reward of thirty pounds ſhall be allowed to the perſon or perſons, party or parties, performing ſuch ſervice, which allowance, to perſons in the pay of this colony, or other the inhabitants thereof, ſhall be made by the next ſeſſions of aſſembly, upon a certificate of the governor, or commander in chief, that ſufficient proof of the performance of ſuch ſervice had been made before him, according to the directions of this act. And where ſuch ſervice ſhall be performed by any *Indian* or *Indians* in amity with this colony, the governor, or commander in chief, upon ſufficient ſatisfaction to him given, is deſired forthwith to give orders for ſupplying ſuch *Indian* or *Indians* with goods, to be paid for by the public at the next ſeſſion of aſſembly, to the amount of the ſum he or they ſhall be entitled to.

XXX. Provided, If the preſent hoſtilities ſhall ceaſe within the ſaid two years, the governor, or commander in chief, with advice and conſent of the council, may ſignify the ſame by proclamation, and direct the ſaid rewards to be diſcontinued.

XXXI. Any

XXXI. Any perſon who ſhall, within the ſaid two years, knowingly and willingly, kill or deſtroy any *Indian* in peace and alliance with his majeſty, and his ſubjects of this colony, ſhall ſuffer as a felon, without benefit of clergy.

XXXII. 30 *Geo.* II. (1757) *cap.* 1. For defraying the charges of ſuch *Indians* as have, or ſhall come to the aſſiſtance of this colony, there ſhall be paid by the treaſurer a ſum, not exceeding three thouſand pounds, to ſuch perſon or perſons as the governor, or commander in chief, by warrant under his hand, ſhall direct.

INJUNCTIONS.

22 *Geo.* II. (1748) *cap.* 8. *ſect.* 9.

§ I. BEFORE any injunction in chancery ſhall be granted to ſtay proceedings at law, in any ſuit or judgment whatſoever, in any court, if the court ſhall not otherwiſe be ſatisfied with the matter of equity, the party praying ſuch injunction, ſhall make oath before the court, or ſome magiſtrate, of the truth of the allegations of his injunction bill; which affidavit ſhall be certified at the foot of the bill, and he or ſhe ſhall enter into bond, with one or more ſufficient ſecurities in the clerks office, for ſatisfying and paying all ſuch ſums of money and tobacco, and coſts, which ſhall be then due, or become due to the plaintiff, in the ſuit or judgment to be ſtayed; and alſo, for the payment of ſuch coſts as ſhall be awarded againſt him or her, in caſe the injunctions ſhall be diſſolved.

II. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 38. No injunction ſhall be granted from the general court, to ſtay the proceedings in any ſuit commenced in the county or other inferior court, unleſs the matter in diſpute be of value ſufficient to admit of an appeal to the general court.

INSOLVENTS.

22 *Geo.* II. (1748) *cap.* 12. *sect.* 24.

§ I. IF any person charged in execution, shall have remained in prison twenty days, any justice of the peace in his respective jurisdiction, upon petition of such prisoner, by warrant under his hand and seal (of which notice shall be given to the person at whose suit such prisoner shall be imprisoned, his executors, administrators, or agents) may require the sheriff, goaler, or keeper of such prison, to bring before the justices at the next court, the body of such person being in prison as aforesaid, with a list of the several executions with which such person is charged in such goal; which warrant every sheriff, *&c.* shall obey: And such prisoner coming before the justices, shall, in open court subscribe, and deliver in a schedule of his whole estate, and swear to the effect following.

I A. B. *do upon my corporal oath, in the presence of Almighty God, solemnly swear, profess and declare, that the schedule now delivered, and by me subscribed, doth contain, to the best of my knowledge and rememberance, a full, just and true, and perfect account, and discovery of all the estate, goods and effects, unto me any-ways belonging, and such debts as are to me owing, or to any person in trust for me; and of all securities and contracts, whereby any money may hereafter become payable, or any benefit or advantage accrue to me, or to my use, or to any other person or persons in trust for me. And that I, or any other person or persons in trust for me, have not land, money, stock, or any other estate, real or personal, in possession, reversion or remainder, of the value of the debt or debts with which I am charged in execution. And that I have not, directly or indirectly, sold, lessened, or otherwise disposed of in trust, or concealed all, or any part of my lands, money, goods, stock, debts, securities, contracts, or estate, whereby to secure the same, to receive or expect any profit or advantage thereof, or to defraud or deceive any creditor or creditors, to whom I am indebted in any wise howsoever.*

So help me God.

Which

Which schedule so subscribed in the presence of the justices, in open court, shall remain with the clerk of the court, for the better information of the creditors of such prisoner.

II. All the lands, tenements, and hereditaments, contained in such schedule, for such use, interest, right, or title, as such prisoner then shall have in the same, and which he or she may lawfully depart with: And all goods and chattels therein also contained, shall be vested in the sheriff of the county wherein such lands, goods, *&c.* shall lie or be found: And such sheriff shall sell and convey the same to any person or persons, for the best price that can be got: And the money arising by such sale shall, by the sheriff or other officer, be paid to the person or persons at whose suit such prisoner shall be imprisoned; saving to such prisoner, his or her necessary apparel and utensils of trade.

III. After delivering in such schedule, and taking such oath, the justices of the said court, by their order may command the sheriff, goaler, or keeper of any prison, forthwith to set at liberty such prisoner; which order shall be a sufficient discharge to such sheriff, *&c.* against any escape or action, which may be brought against him by reason thereof: And if any such action shall be brought, he may plead the general issue, and give this act in evidence.

IV. Provided, Notwithstanding such discharge, any creditor, at whose suit he or she was imprisoned, may at any time afterwards sue forth a *scire facias*, to have execution against any lands or tenements, goods or chattels, which such insolvent person shall thereafter acquire.

V. If any person, committed for any debt or damages whatsoever, shall not be able to pay his or her ordinary prison fees, such of them as shall accrue for the first twenty days shall be discharged by the county; and the sheriff, or goaler, may demand and recover of the party or parties, at whose suit such insolvent person shall be imprisoned, all such fees as shall become due after the said twenty days, until the creditor shall give a release to such prisoner.

VI. If

VI. If any creditor, upon notice to him, his attorney or agent, ſhall refuſe to give ſecurity to the ſheriff, or goaler, for payment of ſuch priſon fees; or fail to pay the ſame when demanded, in tobacco, or money, at ten ſhillings per hundred, the ſheriff, or goaler, may diſcharge ſuch debtor out of priſon.

VII. Provided, Neverthelesſ, ſuch inſolvent priſoner ſhall be afterwards liable to the action of the creditor to recover ſuch fees; and ſuch credior ſhall, and may, notwithſtanding his conſent to releaſe ſuch priſoner, afterwards ſue out a *ſcire facias*, to have a new execution againſt the lands and tenements, goods and chattels of ſuch priſoner, in caſe he ſhall afterwards become poſſeſſed of any.

VIII. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 31. When any perſon ſhall be committed to the public priſon for debtors in execution, in any ſuit commenced in the general court, and ſhall have remained in priſon twenty days, any judge of the ſaid court, by warrant under his hand and ſeal, may command the goaler, or keeper of the ſaid priſon, to bring before the judges of the ſaid court, if ſitting; or if not, before any two judges of the ſaid court, at a certain time and place therein to be appointed, the body of ſuch perſon ſo in priſon, together with a liſt of the ſeveral executions with which he is charged in the ſaid goal, which warrant ſuch goaler ſhall obey; and notice thereof ſhall be given to the party, his executors, adminiſtrators or agents, at whoſe ſuit ſuch priſoner is in execution: And every ſuch priſoner, coming before the ſaid conrt or judges, ſhall ſubſcribe and deliver in a ſchedule of his whole eſtate, and take the ſame oath as *ſect.* I. which ſchedule ſo ſubſcribed, is to remain with the clerk of the general court for the better information of the creditors of ſuch priſoner.

IX. All the eſtate contained in ſuch ſchedule for ſuch uſe, intereſt, right or title, as ſuch priſoner hath in the ſame, and which he may lawfully depart with, ſhall be veſted in the ſheriff or ſheriffs of the county or counties, wherein ſuch eſtate ſhall lie or be found, to whom the clerk of the general court ſhall tranſmit a copy or copies of ſuch ſchedule; and ſuch ſheriff or ſheriffs,

ſhall

shall sell and convey the same, to any person or persons for the best price that can be got for the same, and return accounts of such sales to the clerk of the general court, and pay the money arising thereby to the said clerk, to be by him paid to the creditor or creditors, in proportion to their debts; saving to such prisoner his necessary apparel, and utensils of trade. And after delivering in such schedule, and taking such oath, such prisoner shall be discharged by warrant from the said court or judges, and the goaler indemnified in the same manner, as by 22 *Geo.* II. *cap.* 12. is directed, in case of insolvent debtors discharged by a county court.

X. When any person shall be taken in execution, on process issuing out of the general court, and committed to any county goal, the same method shall be pursued for the discharge of such prisoner, as if he had been committed on an execution issued out of the county court, except that the sheriff of such county, after selling the estate of such prisoner, shall return an account of sales, and the money arising thereby to the clerk of the general court, to be disposed as herein before-mentioned; and the clerk of the county court shall certify and transmit to the clerk of the general court, within one month after such discharge, a true copy of all the proceeding in the court, which shall remain in the secretary's office, with the other papers in the said suit.

XI. Provided, Any creditor, at whose suit such insolvent prisoner was imprisoned, may, notwithstanding such discharge, sue out a writ of *scire facias*, to have execution against any lands or tenements, goods or chattels, such insolvent person shall hereafter acquire.

INSPECTORS.

22 *Geo.* II. (1748) *cap.* 51. *sect.* 12.

§ I. ALL tobacco brought to any public warehouse, shall be viewed, examined, and inspected, by two persons who shall be called inspectors, to be appointed as follows: The court of every county, wherein any warehouse is appointed, shall, in

August

Auguſt, or *September* yearly, at the court then held, nominate to the governor for every inſpection in ſuch county, four fit and able perſons reputed ſkilful in tobacco; and where two warehouſes under the ſame inſpection lie in different counties, the court of each county ſhall nominate two for the ſame, which nomination ſhall be entered on record, and the clerk of each court ſhall forthwith tranſmit a certificate of the ſame to the ſecretrary's office. And out of the ſaid four perſons, ſo nominated for each inſpection, the governor, with the advice and conſent of the council, ſhall appoint two to execute the office, at ſuch inſpection: And in default of ſuch nomination, the governor, with the like advice and conſent, may appoint ſuch perſons as he ſhall think fit: And in caſe of death, reſignation, or removal of any inſpector, the governor may appoint any perſon, named in the laſt recommendation from the county court, for that vacant inſpection, to ſucceed till the next nomination of inſpectors: But if either of the perſons in ſuch recommendation will not accept the office, the governor, may appoint any other perſon he thinks fit.

II. If any inſpector ſhall take, directly or indirectly, any fee, gratuity, ſervice or reward for reſigning his office, he ſhall be for ever diſabled from holding the like office, and forfeit one hundred pounds; to be recovered with coſts, by action of debt, in any court of record; and every perſon, offering and paying the ſame, ſhall be for ever diſabled to hold ſuch office.

III. No juſtice, being an inſpector, or recommended as ſuch, ſhall vote in the recommendation of inſpectors; and where any perſon once recommended, in purſuance thereof, executing the office, is recommended, after, he ſhall continue from year to year without any new commiſſion, ſo long as he is ſo recommended.

IV. Every inſpector, before executing that office, ſhall give bond, with good ſecurity in five hundred pounds penalty, to the king, his heirs, *&c.* for performing his duty, and take the following oath.

YOU ſhall ſwear, *That you will diligently and carefully, view and examine all tobacco, brought to any public warehouſe or ware-*

warehouses, where you are appointed to be inspector; and all other tobacco which you shall be called upon to view and inspect, and that not separately and apart from your fellow, but in his presence; and that you will not receive any tobacco that is not in your judgment sound, well conditioned, merchantable, and clear of trash, nor receive, pass, or stamp any tobacco hogshead, or cask of tobacco, prohibited by one act of assembly, intituled, An act for amending the staple of tobacco, and preventing frauds in his majesty's customs. *And that you will not change, alter, or give out any tobacco, other than such hogsheads or casks, for which the receipt to be taken in was given: But that you will in all things well and faithfully discharge your duty in the office of an inspector, according to the best of your skill and judgment, and according to the directions of the said act without fear, favour, affection, malice, or partiality.*

So help you God.

Which oath may be taken before the governor, the general court, or court of the county where such inspector resides; a certificate of taking such oath, if before the governor or general court, shall be lodged with the clerk of the county where such inspector acts, before execution of his office: And any person acting in such office, before giving such bond, and taking such oath, shall forfeit five hundred pounds.

V. Every inspector shall attend his duty at his warehouse, from the twentieth day of *October*, to the last day of *August* yearly (Christmas, Easter, and Whitsun-tide, holy days, and sickness excepted) and afterwards one of them shall constantly attend (sundays excepted) to deliver out tobacco; or on failure, to forfeit five shillings for every neglect to the party grieved, or be liable to his action on the case, for damages, with full costs, at his election.

VI. Every inspector shall break and uncase every hogshead and cask of tobacco; and if they agree that the same is good, sound, well conditioned, merchantable, and free from trash; then such tobacco shall be weighed in scales, with weights of the lawful standard, and stamped and marked with a hot iron in one of the inspector's presence, with the name of the warehouse at which

the ſame ſhall be inſpected: The tare of the hogſhead or caſk, and quantity of net tobacco therein contained: But if the inſpectors diſagree, they ſhall, as ſoon as conveniently may be, call from the next adjacent warehouſe another inſpector, who ſhall determine the difference, and paſs or refuſe the ſame. And when any inſpector is ſick and unable to attend, any inſpector, at any adjacent warehouſe, may inſpect tobacco in his room; and every inſpector's own tobacco ſhall be paſſed by the other inſpector, and one or both of the inſpectors from the next adjacent warehouſe.

VII. When any tobacco ſhall be refuſed by the inſpectors, they ſhall immediately burn it, unleſs the perſon bringing it deſires to pick the ſame, which the inſpectors ſhall permit, but not ſuffer the ſame, on any pretence, to be removed, or carried from the warehouſe.

VIII. The inſpectors ſhall allow one month for picking ſuch tobacco, and if not done in that time, may burn the whole, except the tobacco is in a ſweat, or the circumſtances or accidents of weather prevented the handling, in which caſe, they ſhall allow ſuch further time as they think reaſonable.

IX. Where any tobacco ſhall be picked as aforeſaid, the traſh and bad tobacco ſhall be burnt by the inſpectors, on the ſame day it is picked out, under the penalty of forfeiting five ſhillings to the informer for every failure.

X. If any tobacco, packed in caſk by an overſeer, or the hands under his care, be burnt by the inſpectors, as bad, unſound, or not in good condition, the overſeers ſhall bear the loſs, and make ſatisfaction for the ſame out of his ſhare of the crop, or otherwiſe. And the inſpectors ſhall keep an account of all tobacco ſo burnt.

XI. All inſpectors ſhall carefully enter in a book, kept for that purpoſe, the marks, numbers, groſs, net weight, and tare of all tobacco, received and ſtamped by them, and in what veſſel the ſame ſhall be laden; and ſhall, with every ſloop or boat load, ſend a liſt of the marks, numbers, groſs, net weight, and tare of every hogſhead of tobacco then delivered, to be given to the

maſter

master of the vessel, on which the same shall be put on board: And if the tobacco, delivered to the same sloop or boat, is to be put on board several vessels, then they shall deliver so many several lists of the hogsheads to be put on board every vessel respectively; which lists every master of a vessel shall produce, and lodge with the naval officer of the district where the vessel lies, or by whom he shall be cleared, sometime before his clearance. But if the ship, in which such tobacco was to be put, be so full as not to be able to stow all the tobacco contained in such list; the said tobacco, or any part thereof, may be shipped on board any other ship or ships, where the owner thinks fit, the master of such ships endorsing on the said lists, the marks and numbers of the respective hogsheads by them taken on board, and giving notice to the inspectors of the warehouses from whence the same was brought; or if there be no ships to receive the said tobacco, the master of the first mentioned vessel, may put the said tobacco into any warehouse in the district where he resides, giving immediate notice thereof to the inspectors who stamped the same: And the inspectors of that warehouse where such tobacco shall be delivered, shall give a receipt for the same, and cause it to be safely lodged, and delivered to the owners order, without fee or reward, when he thinks fit to ship it off.

XII. If any warehouse be burnt, the loss shall be made good to the several persons injured by the general assembly, at the next session after such loss, and in case of such accident, no inspectors shall be sued or molested for any notes or receipts, by him given for any tobacco burnt in the said warehouse, but shall be altogether discharged from the payment of the tobacco therein mentioned.

XIII. No inspector, during his continuance in that office, or within two years after, shall be elected a member of the house of burgesses, or intermeddle or concern himself with any election of a burgess or burgesses, otherways than by giving his vote, or endeavour to influence any person to give his vote, under the penalty of fifty pounds for every offence.

XIV. No inspector shall take, directly or indirectly, any gratuity, fee or reward, for any thing done by him, in pursuance of this act, other than his sallary, and the other payments and allowances herein mentioned, under the penalty of fifty pounds current money; to be recovered with costs by the informer, by action of debt, bill, plaint or information, in any court of record; and shall be disabled from holding the place or office of an inspector, during the continuance of this act. And the person offering such bribe, reward, or gratuity, shall, upon conviction, forfeit for every such offence, ten pounds current money; to be recovered in any court of record; one moiety to the king, for the use of such inspector refusing such bribe or reward, the other to the informer.

XV. When any person is intitled to receive a hogshead of tobacco by any inspectors note or receipt, the inspectors shall open the hogshead, and shew such tobacco to the person demanding the same, if required, whether crop or transfer.

XVI. If such person refuses to accept that tobacco, as bad, unsound, and unmerchantable, he shall immediately apply to any three justices near that warehouse, who are noways related to the party or concerned in interest. And the said justices shall take an oath before some other justices of the county, carefully to view and examine the said tobacco, and to the best of their skill and judgment, not to pass any tobacco that is not sound, well conditioned, merchantable, and clear of trash, according to the directions of this act; and that they will therein do their duty, according to their judgment and conscience, without fear, favour, affection, malice, or partiality.

XVII. The said three justices so sworn, shall, upon such application, repair to the warehouse where such tobacco shall be tendered in payment, and carefully view and examine it as they shall think fit, and if any two of them adjudge the same to be bad, unsound, or unmerchantable, shall cause the same to be immediately burnt; and for their trouble, the said three justices shall be paid by the inspector or inspectors, who offered the same in payment, five shillings each: And if the said justices, or any

two

two of them, adjudged the said tobacco to be good, sound and merchantable, according to the directions of this act, they shall be paid by the person desiring such view, five shillings as aforesaid.

XVIII. When any tobacco shall be tendered in payment by any inspector, and refused, the inspectors shall not tender, nor the person demanding the same receive any tobacco in lieu thereof, before such tobacco shall have been viewed as aforesaid, but the person refusing shall immediately mark the same.

XIX. If any inspector shall tender in payment any tobacco, in lieu of the tobacco so refused, before the same hath been viewed as aforesaid, or shall not produce the same tobacco so refused, to the said justices in either case, it shall be taken for a conviction, that the tobacco first tendered was bad, unsound, and unmerchantable; and moreover, the said inspectors shall forfeit ten pounds for every such offence.

XX. If the person who shall refuse any hogshead of tobacco as aforesaid, shall accept another hogshead of tobacco in lieu of that refused, before such hogshead so refused shall be viewed, he shall forfeit ten pounds for every such hogshead.

XXI. Any new inspector or inspectors appointed at any warehouse, shall give the person or persons whom they shall succeed, a receipt under his or their hands, containing the numbers, marks, tare, gross, and net weight of all and every hogshead, or cask of tobacco, then remaining at the warehouse or warehouses where they are appointed inspectors, with the delivery and payment of which, he or they shall from thenceforth be chargeable and liable, but shall in noways be answerable for the loss of weight, or quality of the tobacco.

XXII. If any hogshead of tobacco be received by any person, and delivered out of any warehouse for exportation, the inspector or inspectors from the time of such delivery shall be for ever discharged from all actions, costs and charges, by reason of the tobacco therein contained, being unsound and unmerchantable, or of less quantity than the notes given for the same.

XXIII. When any prized tobacco shall be brought to any warehouse, to be shipped on freight, and the inspectors refuse the

the ſame unleſs picked; or where any light crop tobacco ſhall be brought to any warehouſe, the inſpectors ſhall in either caſe, if required, permit the owner, or perſon bringing ſuch tobacco, to make uſe of one or more of their prizes for the packing, prizing, or making heavier ſuch tobacco, without fee or reward.

XXIV. If there be ſeveral hogſheads of tobacco belonging to ſeveral owners, to be picked, repacked, prized, or made heavier at any warehouſe, the owner, or other perſon bringing the ſame, whoſe tobacco ſhall be firſt viewed and refuſed, or found light, ſhall be firſt allowed to make uſe of ſuch prize or prizes: And the ſame rules ſhall be obſerved in the prizing all tobacco, which ſhall be picked, repacked, prized, or found light as aforeſaid.

XXV. For all tobacco repacked and prized by the owners thereof, his ſervants or ſlaves, there ſhall be paid to the inſpectors only three ſhillings for ſtamping. And for all tobacco repacked and prized by the inſpectors, five ſhillings for each hogſhead, and ſix-pence for nails, unleſs the proprietor ſhall find nails.

XXVI. No inſpector ſhall take or diſpoſe of any draught, or ſample of freight, or crop tobacco, but the ſame, if fit to paſs, ſhall be put into the hogſhead out of which it was drawn, under the penalty of forfeiting twenty ſhillings for every draught ſo taken away; to be recovered before any juſtice of the county.

XXVII. All inſpectors, if required, ſhall alter the mark and number of any hogſhead of tobacco for which they have given a receipt; and for preventing confuſions and miſtakes, ſhall keep a waſte-book, in which ſhall be entered, the mark and numbers of all hogſheads of tobacco received by them, and another book, in which ſhall be entered, the marks and numbers thereof when delivered out.

XXVIII. All inſpectors, when required, ſhall prize any hogſhead of tobacco under nine hundred and fifty pounds net, ſo as to make it up that weight, but ſhall receive the ſame fee upon ſuch hogſhead as for transfer tobacco, and may make the lawful abatement of the tobacco prized in.

XXIX. Where

XXIX. Where any tobacco ſhall be brought to a warehouſe by any overſeer, the inſpectors ſhall give notes and receipts in the name of the owner.

XXX. The owner of any transfer notes, before the firſt day of *October* yearly, may receive and mark hogſheads of tobacco for ſatisfying ſuch notes, and the inſpectors ſhall take in their former notes, and deliver crop notes or receipts for ſuch hogſheads, and be anſwerable for the ſafe keeping thereof, as they are for crop tobacco; but the perſon receiving ſuch hogſheads, ſhall pay the inſpectors five ſhillings and ſix-pence for the inſpection and nails of each hogſhead; two ſhillings and ſix-pence down, and three ſhillings when the tobacco ſhall be delivered.

XXXI. The inſpectors ſhall, at the court held for their county in *October* yearly; or if no court held that month, at the next court held for the ſame, lay before the court an account upon oath of all the transfer notes, not taken in and received by them before the firſt day of *October*: And after ſuch account exhibited, and oath made, ſhall ſell the tobacco contained in ſuch notes, deducting for ſhrinkage and waſting, at public auction at the door of the court houſe, between the hours of twelve and two; and the inſpectors ſhall pay the money ariſing by ſuch ſale, in ſatisfaction of their notes, to the proprietors making their demand, under the ſame penalty as is inflicted for not paying inſpectors notes.

XXXII. All inſpectors ſhall keep a juſt and true account of the tobacco gained or ſaved, upon the allowance made for caſk or for ſhrinkage of transfer tobacco: And if any tobacco ſhall be ſo gained or ſaved, ſhall exhibit an account thereof upon oath, in the ſame manner as before directed for transfer tobacco not received; and ſhall ſell the tobacco ſo gained or ſaved, as directed for the ſale of transfer tobacco, and ſhall account for the money ariſing by ſuch ſale to the treaſurer, in their next account with him; and the ſaid treaſurer ſhall account for the ſame to the general aſſembly. And no inſpector ſhall convert any tobacco ſo gained or ſaved to his own uſe.

XXXIII. All

XXXIII. All inspectors shall annually, before the twentieth day of *October*, account with the treasurer upon oath, for all monies received, or which ought to be received by them, by virtue of this act (except the money paid for nails) for every hogshead of transfer tobacco, in which account they shall be allowed their sallaries, the rents of the warehouses, and all other necessary disbursements in pursuance of this act.

XXXIV. Any two justices, not being inspectors, may hear all complaints against any inspector within their county, and take the depositions of witnesses upon the matter of such complaint on both sides, which shall be transmitted by them to the governor and council for their determination.

XXXV. The clerk of the county, or some sufficient person by him to be appointed, shall attend the said justices to take such depositions, and shall be paid by the county the same fee as is or shall be established by law, for attending the examination of witnesses upon a *Dedimus Potestatem*.

XXXVI. Any two justices may visit the public warehouses within their county, and if they discover any negligence in the inspectors, either in securing the tobacco, or stowing the same for saving house-room, or that they do not keep a sufficient number of hands to dispatch the business, or do not attend constantly according to the directions of this act; or that they are guilty of any other breach or breaches of their duty, they shall certify the governor and council thereof.

XXXVII. Any inspector adjudged guilty of a breach of his duty, shall be removed from his office, and be for ever incapable of serving as inspector.

XXXVIII. Any inspector removed from his office, upon a complaint and prosecution against him, in the method prescribed by this act, shall be liable to the prosecutors action, upon the case, for his necessary costs and expences in such prosecution, in which the prosecutor shall recover his full costs of suit: And every inspector shall moreover be liable to the action of the party grieved, for all loss or damage that may happen by occasion of any failure of duty, or neglect, in which the plaintiff shall recover

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ver his full costs, although the damages do not exceed forty shillings.

XXXIX. 25 *Geo.* II. (1752) *cap.* 3. *sect.* 5. All inspectors shall constantly attend their duty at the warehouses under their charge, from the 20th day of *October*, to the last day of *August* yearly (except sundays and the holy days at Christmas, Easter, and Whitsun-tide, or when hindered by sickness.)

XL. If any inspector, through sickness, or any other inability, shall be unable to discharge the duties of his office, the governor, with the advice and consent of the council, may appoint one of the persons nominated in the recommendation of the county court for such inspection, to act in the stead of such sick or disabled inspector; which inspector so appointed, shall execute the office of inspector, during the sickness or inability of the former inspector, and receive the sallary due at such inspection, in proportion to the time he shall officiate.

XLI. Provided, Nothing herein shall be construed to hinder any inspector of an adjacent warehouse, to view and inspect tobacco, pursuant to 22 *Geo.* II. *cap.* 51. till a person shall be appointed as aforesaid.

XLII. 28 *Geo.* II. (1755) *cap.* 5. *sect.* 4. The inspectors shall issue notes of all tobacco saved by picking, to the proprietors of such tobacco only, and not to the pickers of the same: And shall not suffer any picker to prize up any tobacco for his own use that he shall have saved by picking.

XLIII. Where any tobacco tendered in payment by any inspectors in discharge of their notes or receipts shall be refused, viewed and burnt, pursuant to *sect.* 17. the justices appointed to view the same, shall value it in money according to the current price of tobacco at such warehouse; and the inspectors shall immediately pay such valuation to the proprietor of such tobacco: And on refusal or failure to pay the same, the court of the county where the warehouse lies, upon a motion by such proprietor, may enter up judgment for such valuation against the inspectors, and award execution thereon; provided, the inspectors have ten days previous notice of such motion.

XLIV. If any person intitled to receive a hogshead of tobacco by any inspector's note or receipt, and refusing the tobacco tendered in payment thereof, shall not apply to the justices, pursuant to *sect.* 16. within twelve months after the date of such note or receipt, such justices shall not have power to view the same, after the expiration of that time.

INSPECTORS NOTES.

22 *Geo.* II. (1748) *cap.* 51. *sect.* 18.

§ I. IF any tobacco shall be brought to any of the public warehouses, for discharge of any public or private debt, the said inspectors, or one of them, after viewing, and examining, and weighing the said tobacco as aforesaid, shall deliver to the person bringing the same, as many promissory notes, under the hands of the said inspectors, as shall be required for the full quantity of tobacco received by them, expressing therein, whether the tobacco received be sweet scented, or Oronoko, stemed, or leaf; which notes shall bear date the same day the tobacco therein mentioned has been inspected, and shall be current in all tobacco payments whatsoever, according to the species expressed in the note within the county where such inspectors officiate, or in any other county next adjacent thereto, and not separated therefrom by any of the great rivers, or bay herein aftermentioned, that is to say, *James River*, below the mouth of *Appamattox*, *York River*, below *West-point*, *Rappahannock*, below *Faliaferro's Mount*, or by the great bay of *Chesapeak*; and shall be transferable, and paid by the inspector or inspectors who signed the same upon demand; and for every hogshead of tobacco brought to any public warehouse, for discharge of any public or private debt, in good cask of the dimensions hereafter expressed, the inspectors shall allow the person bringing the same, at the rate of four *per cent.* not exceeding thirty pounds of tobacco for each hogshead.

II. The inspectors shall make every hogshead by them paid away in discharge of their notes —— pounds of net tobacco at least, and for every hogshead so paid, well lined and nailed, fit

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for ſhipping, ſhall be paid by the perſon receiving the ſame, five ſhillings for inſpection, and ſix-pence for nails, and allowed thirty pounds of tobacco for each caſk, and two *per cent.* and *pro rato* for ſhrinkage, if the tobacco is paid within two months after the date of the note given for the ſame; elſe one *per cent. per* month after the ſaid two months, ſo as the whole allowance for ſhrinkage ſhall not exceed ſix *per cent.*: Any inſpector refuſing or delaying to pay any ſuch note by him ſo ſigned on demand, ſhall forfeit and pay to the party injured, double the value of the tobacco therein mentioned; to be recovered with coſts in any court of record, if the notes refuſed or delayed exceed two hundred pounds of tobacco, otherwiſe before any juſtice of the county where the warehouſe lies.

III. All tobacco brought to the ſaid warehouſes in hogſheads or caſks, to be exported on account of the owner after it has been examined, viewed, weighed and found good, ſhall be ſtamped as before directed, and the inſpectors, or one of them, ſhall deliver the perſon bringing the ſame, as many receipts, ſigned as aforeſaid, as ſhall be required for the number of hogſheads ſo brought and ſtamped, expreſſing therein whether the ſame be ſweet ſcented, or Oronoko, ſtemed, or leaf; and for every ſuch hogſhead or caſk of tobacco there ſhall be paid to the inſpectors three ſhillings for viewing, examining and ſtamping the ſame; and if any inſpector ſhall alter, change, or deliver out any hogſhead or caſk of tobacco, other than for which the receipt was given, he ſhall forfeit double the value of ſuch hogſhead or caſk ſo altered, *&c.* and alſo forfeit the bond given for the due execution of his office. And all inſpectors ſhall, if required, take in any receipt by them given for tobacco, and after weighing the ſame, give transfer notes in exchange, with an allowance of thirty pounds of tobacco for caſk, ſo as ſuch hogſhead weighs at leaſt nine hundred and fifty pounds net, and is not mixed, leaf and ſtemed.

IV. During the continuance of this act, no tender of any debt or duty payable in tobacco ſhall be accounted lawful, unleſs payment of the ſame tendered in inſpectors notes or receipts, not of an older date than twelve months.

V. If any perſon ſhall forge or counterfeit the note, receipt, or ſtamp of any inſpector, or tender in payment any ſuch forged or counterfeited note, knowing it to be ſuch; or export, or cauſe to be exported, any hogſhead or caſk of tobacco, ſtamped with a counterfeit or forged ſtamp; or demand tobacco of any inſpector upon any ſuch forged or counterfeit note or receipt, knowing it to be ſuch; or put into any hogſhead, or caſk of tobacco, ſtamped by any inſpector, any tobacco whatſoever, or draw or take out any ſtave, plank, or heading board of any hogſhead or caſk of tobacco, after ſuch hogſhead or caſk ſhall be delivered out of any public warehouſe, every perſon ſo offending, and thereof convicted by due courſe of law, ſhall be adjudged a felon, and ſuffer as in caſe of felony.

VI. If any inſpectors notes or receipts be caſually loſt, miſlaid or deſtroyed, the perſon intitled to receive the tobacco by virtue thereof, ſhall make oath before a juſtice of the county where the ſame is payable, to the number or date of every ſuch note or receipt, to whom and where payable, and for what ſhe, at the time the ſame was loſt, miſlaid, or deſtroyed, was lawfully intitled, and how to receive the tobacco therein mentioned, and ſhall take a certificate from ſuch juſtice thereof; and upon producing ſuch certificate to, and lodging the ſame with the inſpectors, they ſhall pay ſuch perſon obtaining ſuch certificate the tobacco for which any ſuch notes or receipts were given (if the ſame, or any part thereof hath not been before by them paid) by virtue of the ſaid notes or receipts, and ſhall be diſcharged from all actions, ſuits and demands, on account of ſuch notes or receipts; and every perſon convicted of making a falſe oath, producing a forged certificate in the caſe aforeſaid, ſhall forfeit twenty ſhillings for every hundred pounds of tobacco contained in ſuch certificate, upon conviction in any court of record, and ſhall ſuffer as in caſe of wilful and corrupt perjury.

VII. All tobacco due for public county, or pariſh levies, quit-rents, ſecretaries, clerks, ſheriffs, ſurveyors, or other officers fees, ſhall be paid in transfer notes, as follows: All levies and quit-rents in ſome warehouſe in the county where the levies are laid,

or

or lands chargeable lie; and all officers fees in the county where the perſon chargeable lives, except ſuch perſon has a plantation and ſlaves thereon, in the county where the ſervices is performed, and then all fees (except ſecretary's) to be paid in ſuch county: But levies, quit-rents and fees payable in any county where no warehouſe is, ſhall be paid at ſome warehouſe in the next adjacent county.

VIII. Provided, No transfer notes of the preceding years ſhall paſs in any ſuch payment, nor no *Prince William* county notes ſhall paſs in payment of levies, quit-rents or fees becoming due in the county of *Orange* or *Culpepper*, or of any warehouſe below *Gray's Creek*, in the county of *Brunſwick*, and that the notes of the warehouſes hereafter mentioned ſhall paſs in payment of all quit-rents, levies and officers fees, payable in the counties following, *viz.*

Counties.	Places.
In *Accomack*,	*Cherryſtone's*, *Hungar's*, *Naſſawaddox*.
Albemarle,	*Crutchfield's*, *Fredericksburgh*, *Meriwether's*, *Page's*, *Rockey-Ridge*.
— — —	*Royſton's*, *Shoccoe's*, *Warwick*.
Amelia,	*Appamattox*, *Blandford*, *Bolling's* point, *Jordan's*.
Brunſwick	*Appamattox*, *Blandford's*, *Bolling's* point, *Cabbin* point, *Fulgham's*.
— — —	*Gray's Creek*, *Jordan's*, *Smithfield*, *Warwicksqueak*.
Caroline,	*Aylet's*, *Layton's*, *Todd's*.
Charles' City,	*Hogneck*.
Culpepper,	*Dixon's*, *Falmouth*, *Frederickſburg*, *Royſton's*.
Cumberland,	*Byrd's*, *Shoccoe's*.
Dinwiddie,	*Bermuda* hundred, *John Bolling's*, *Bolling's* point, *Cabbin* point.
— — —	*Oſborn's*, *Warwick*.
Elizabeth City,	*Roe's*.
Glouceſter,	*Kemp's*.

Hallifax,

Counties.	Places.
In *Hallifax,*	*Blandford.*
James' City,	*Brickhouse, Little-page's.*
Isle of Wight,	*Cabbin* point, *Gray's Creek.*
King William,	*Meriwether's, Page's.*
Lancaster,	*Indian Creek.*
Louisa,	*Fredericksburg.*
Lunenburg,	*Appamattox, Blandford, Bolling's* point, *Jordan's.*
Middlesex,	*Bowler's, Turner's.*
Norfolk,	*Kemp's, Sleepy-Hole.*
Northampton,	*Guildford, Pitt's, Pungoteague.*
Northumberland,	*Yeocomico.*
Prince Edward,	*Blandford, John Bolling's, Bolling's* point, *Byrd's, Osborn's.*
—— — — —	*Rockey-Ridge, Shoccoe's, Warwick,*
Prince George,	*Bermuda* hundred, *John Bolling's, Bolling's* point, *Cabbin* point.
— — ——	*Osborn's, Warwick.*
Prince William,	*Acquiah.*
Princess Ann,	*Great-Ridge, Sleepy-Hole.*
Southampton,	*Cabbin* point, *Hood's, Jordan's.*
Spotsylvania,	*Conway's.*
Stafford,	*Falmouth, Machotick,*
Surrey,	*Appamattox, Blandford, Hood's, Jordan's, Smithfield, Warwicksqueak.*
Sussex,	*Blandford, Bolling's* point, *Cabbin* point, *Gray's Creek, Hood's.*
— —— ——	*Jordan's.*
Warwick,	*Roe's, York.*

IX. Out of every hundred pounds of tobacco paid in discharge of quit-rents, secretaries, clerks, sheriffs, surveyors, and other officers fees, and so proportionably for a greater or lesser quantity, there shall be made the several abatements following to the payer.

In *Accomack, Charles' City, Elizabeth City, Essex, Gloucester, James' City, King George, King* and *Queen, King William, Lancaster, Middlesex, New-Kent, Northampton, Northumberland, Richmond, Stafford, Warwick, Westmorland* and *York*, ten pounds of tobacco.

In *Caroline, Chesterfield, Hanover, Henrico, Nansemund, Norfolk* and *Spotsylvania*, fourteen pounds of tobacco.

In *Dinwiddie, Fairfax, Isle of Wight, Prince George, Prince William, Princess Ann, Southampton, Surrey* and *Sussex*, twenty pounds of tobacco.

In *Albemarle, Amelia, Bedford, Brunswick, Culpepper, Cumberland, Goochland, Hallifax, Louisa, Lunenburg, Orange* and *Prince Edward*, thirty pounds of tobacco.

X. Provided, Where any person, chargeable with officers fees (except secretaries fees) lives in another county than where the service is performed, or the fees become due, the same allowance shall be made to such person, as is allowed where the service is performed, or the fees become due.

XI. 25 *Geo.* II. (1752) *cap.* 3. *sect.* 8. The several inspectors in their receipts for tobacco, shall express whether the same is tied in bundles or not; and where any hogshead hath part leaf, and part stemed, shall signify the same at the bottom of such receipt; and they shall not mix stemed and leaf tobacco in any hogshead which they shall prize, and pay away in discharge of their transfer-notes.

XII. No inspector shall take in any note or receipt for crop tobacco, and give transfer notes in exchange for the same, unless such hogshead contains at least nine hundred and fifty pounds of net tobacco, and not mixed, leaf and stemed.

XIII. 28 *Geo.* II. (1755) *cap.* 5. *sect.* 10. No crop notes or receipts of an older date than twelve months, shall be a lawful tender in discharge of any tobacco debt.

XIV. Where any warehouse shall be burnt, the loss shall not be made good by the general assembly, where the notes or receipts for the tobacco burnt therein, shall be of an older date than twelve months.

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INTAILS.

9 *Ann*, (1710) *cap.* 13. *sect.* 4.

§ I. NO estate in fee-tail, general or special, of or in any lands, tenements, or hereditaments, shall be cut off, avoided or defeated, by levying any fine, or suffering any recovery, or by any ways or means whatsoever, except only by an act of assembly in such particular case, respectively to be had and made.

II. Every fine, recovery, and other act and thing whatsoever, levied, suffered, made, done, performed or executed, for cutting off, avoiding or defeating any estate-tail whatsoever, otherwise than by act of assembly as aforesaid, shall be, to all intents and purposes, null and void, any law, custom or usage notwithstanding.

III. 8 *Geo.* II. (1734) *cap.* 6. *sect.* 6. Any person seized in fee-tail, general or special, of, or in any lands, tenements, or hereditaments, not exceeding the value of two hundred pounds sterling, and not being parcel of, or contigious to other intailed lands of the same party, may sue out a writ from the secretary's office, in the nature of an *ad quod damnum*, to the sheriff of the county where such intailed lands lie, commanding him to enquire, by the oaths of good and lawful men of his county, of the value of such lands; and whether they be parcel of, or contigious to other intailed lands as aforesaid; and such sheriff shall return his inquisition to the said office: And if the lands shall be found not to exceed the value as aforesaid, and to be a separate parcel as aforesaid, then a deed of bargain and sale, reciting the title, and such inquisition, wherein a valuable consideration shall be expressed, and *bona fide* paid, acknowledged, or proved, by three witnesses before the general court, within eight months after the date thereof, shall be sufficient in law to pass the fee-simple estate of such lands to the purchaser; and the right of the issue of the vendor, and all other persons in remainder or reversion, shall be bar-

barred in the same manner, as the same estate might be barred by fine or recovery, according to the laws of *England*.

INTESTATES ESTATES.

4 *Ann*, (1705) *cap*. 33. *sect*. 1.

§ I. AFTER debts, funerals, and just expences paid, the surplusage of the personal estate of every person dying intestate, shall be distributed in manner following: One third to the wife; and all the residue, in equal proportions among the children, and such persons as legally represent them, in case any be dead, other than such child or children (not being heir at law) who shall have any estate by the settlement of the intestate, or shall be advanced by him in his lifetime, by portion equal to his share, which shall, by such distribution, be allotted to the other children; and in case any child (other than the heir at law) shall have any estate, by settlement from the intestate, or shall be advanced by him in his life-time, by portion not equal to the share which shall be due to the other children by such distribution; then so much of the said surplusage to be distributed to such child or children, as shall have any lands by settlement from the intestate, or were advanced in the life-time of the intestate, as shall make the estate of all the said children to be equal, as near as can be estimated: But the heir at law, notwithstanding any land he shall have by descent, or otherwise, from the intestate, is to have an equal share in the distribution, with the rest of the children, without any consideration of the value of the land he hath by descent, or otherwise, from the intestate. And if, after the death of the father, any of his children shall die intestate, without wife or children, in the life-time of the mother, every brother and sister, and the representatives of them, shall have an equal share with her: And if all the children shall die intestate, without wife or children, in the life-time of the mother, then the portion of the child so dying last, shall be equally divided; one moiety to the mother, and the other to the next of kindred by the father: And if there be no such kindred by the father,

 father,

father, then the whole ſhall be to the mother: And if there be no children, nor any legal repreſentatives of them, then the one moiety to the wife, and the other to be equally diſtributed to the next of kindred, in equal degree to the inteſtate, and thoſe who legally repreſent them; and if there be no ſuch kindred, then all the ſaid ſurpluſage to be to the wife.

II. Provided, There be no repreſentatives among collaterals, after brothers and ſiſters children: And if there be no wife, the ſurpluſage to be diſtributed equally among the children: And if there be no childeren, then to the next of kindred, in equal degree to the inteſtate, and their legal repreſentatives as aforeſaid; and in no other manner whatſoever.

III. Provided alſo, If the widow of any perſon dying inteſtate, ſhall die before the appraiſement of her deceaſed huſband's eſtate; her right to any part thereof ſhall be determined, and her executors and adminiſtrators ſhall have no action for the recovery thereof.

IV. Provided alſo, To the end that a due regard be had to creditors, that no diſtribution of any inteſtate's eſtate ſhall be made as aforeſaid, till nine months after the inteſtate's death: And every one, to whom any ſhare ſhall be allotted, ſhall give bond, with ſufficient ſureties, in the court where ſuch diſtribution ſhall be made: That if any debt or debts, truly owing by the inteſtate, ſhall be afterwards ſued for and recovered, or otherwiſe duly made to appear; he or ſhe ſhall, reſpectively, pay back to the adminiſtrator, his or her ratable part of that debt or debts, and the coſts of ſuit, and charges of the adminiſtrator, by reaſon of ſuch debt, out of the ſhare allotted him or her.

V. The widow of any perſon dying inteſtate, ſhall be endowed of one full third part of her deceaſed huſband's lands, tenements, and other real eſtate, in manner directed by the laws and conſtitutions of *England*: And until ſuch dower aſſigned, ſhall continue in the manſion-houſe, and the meſſuage or plantation thereunto belonging, without rent.

VI. Provided, If any widow ſhall have ſuch a jointure ſettled on her, in the life-time of the huſband, as by law doth bar her

or

of her dower, ſhe ſhall not hold poſſeſſion of any houſes or meſſuages of her ſaid deceaſed huſband, other than what ſhall be ſo ſettled on her.

VII. If any perſon dies, leaving an eſtate of ſo ſmall value that no one will adminiſter, the court, three months after ſuch perſon's deceaſe, may direct the ſheriff of the county, to take ſuch eſtate into his poſſeſſion, and ſell the ſame by outcry: And the buyers ſhall give obligations, with ſecurity for payment of what ſhall be due from them to the ſaid eſtate; which ſhall be made payable to the ſheriff, and ſhall by him be aſſigned to ſuch creditors of the deceaſed, or ſuch other perſons as the court ſhall direct, always regarding the dignity of the debts: For which, the ſheriff ſhall be allowed five *per cent.* on the value for which ſuch eſtate ſhall be ſold.

INVASIONS.

30 *Geo.* II. (1757) *cap.* 4.

§ I. UPON any invaſion by ſea or land, or upon any inſurrection, the governor, or commander in chief, may levy, arm and muſter, ſuch a number of forces out of the militia, as ſhall be thought needful; and by himſelf, or his lieutenants, commanders, or other officers by him to be commiſſioned, may lead, conduct, march, tranſport and employ them, as well within the ſeveral counties and places to which they belong, as in any other counties and places within this colony, for ſuppreſſing ſuch inſurrection, and repelling ſuch invaſion; and ſuch forces may diſcharge and diſband, as the cauſe of danger ceaſes.

II. Every officer of the militia, to whom notice ſhall be given of any inſurrection or invaſion, ſhall raiſe the militia under his command, and ſend intelligence to the county-lieutenant, and in his abſence, to the chief commanding officer in the county, and immediately proceed to oppoſe the enemy, according to the orders he ſhall receive from his chief commanding officer, until further orders arrive from the governor, or commander in chief. And ſuch county-lieutenant, or chief commanding officer, ſhall

give immediate notice to the officers of the militia of the next adjacent counties, of ſuch invaſion or inſurrection, and the ſituation and circumſtances of the enemy, according to the beſt of his information and judgment; and ſuch officer to whom ſuch notice ſhall be given, if not the chief commanding officer of the county, ſhall give immediate notice to his commanding officer of the information that he ſhall receive, who ſhall immediately raiſe the militia of this county, and march part thereof, not exceeding two thirds, againſt ſuch enemy, if the circumſtances of the caſe ſhall require it, which ſhall be enquired into by a court of his field officers and captains, or the major part of them: Which council, every ſuch commanding officer ſhall forthwith ſummon and hold. And ſuch commanding officer, ſhall cauſe the remaining part of his militia, not ſo marched, to remain in arms in the county, for the defence and protection thereof, until he ſhall receive orders from the governor, or commander in chief. And every county-lieutenant, or chief commanding officer, to whom ſuch intelligence ſhall be given, ſhall forthwith diſpatch an expreſs to the governor, or commander in chief, notifying the danger; and ſhall therewith ſignify, in the beſt manner he can, the ſtrength and motions of the enemy: And for that purpoſe, ſuch county-lieutenant, or chief commanding officer, may impreſs boats and hands, men and horſes, as the ſervice may require for the diſpatch of ſuch intelligence.

III. Any officer receiving information of any invaſion or inſurrection, from any officer of an adjacent county, in manner aforeſaid, who ſhall refuſe to raiſe his militia, and call a council of field officers and captains, for the determination of what is to be done, ſhall forfeit and pay two hundred pounds; and every officer ſummoned to ſuch council that ſhall refuſe to attend the ſame, ſhall forfeit and pay fifty pounds.

IV. If any officer of the militia who, upon occaſion of any invaſion or inſurrection, ſhall receive orders from the governor, or commander in chief, or from any his ſuperior officer, for calling together the ſoldiers, or marching them to any place, ſhall neglect or refuſe to execute ſuch orders in the beſt manner he is capable, he

he ſhall forfeit and pay the ſums following; that is to ſay, Every lieutenant of a county, colonel or lieutenant-colonel two hundred pounds: every major one hundred pounds: every captain ſeventy five pounds: every lieutenant fifty pounds: every enſign twenty five pounds: every ſerjeant or corporal twenty pounds. And every ſoldier ſummoned upon ſuch occaſion, and failing to appear, or to bring with him his arms, with one pound of powder and four pounds of ball, or refuſing to march, ſhall forfeit and pay twenty pounds.

V. If any officer or ſoldier, while the militia ſhall be employed as aforeſaid, ſhall deſert the ſaid ſervice, or raiſe any mutiny or ſedition in the ſaid ſervice; or coming to the knowledge of any ſuch mutiny, or intended mutiny, ſhall not give information thereof to his commanding officer, and uſe his utmoſt endeavour to ſuppreſs the ſame, ſhall ſuffer ſuch corporal puniſhment as ſhall be inflicted on him by a court martial, to conſiſt of the field officers and captains then preſent, not extending to life or member.

VI. Every perſon holding correſpondence with, or giving intelligence to the enemy, during the time ſuch militia is employed as aforeſaid, ſhall ſuffer death as in caſes of felony, without benefit of clergy, upon being thereof lawfully convicted before the general court of this colony.

VII. In all trials of offenders by any court-martial to be held by virtue of this act, every officer preſent, before any proceedings thereon, ſhall take the following oath (which the preſiding officer ſhall firſt take, and then adminiſter to the others,) that is to ſay,

I A. B. do ſwear, *That I will well and truly try and determine, according to the evidence in the matter now before me, between our ſovereign lord the king, and the priſoner to be tried; and that I will duly adminiſter juſtice according to the act of aſſembly, intituled,* An act for reducing the ſeveral acts for making proviſion againſt invaſions and inſurrections into one act, *without partiality, favour, or affection: And that I will not, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of the court-martial, unleſs required to give evidence*

dence thereof, as a witness by a court of justice in a due course of law. So help me God.

VIII. Such court-martial ſhall appoint a clerk to keep a regiſter of their proceedings, to whom the preſident of the court ſhall adminiſter the following oath, *to wit,*

YOU ſhall ſwear, *That you will not, upon any account, at any time whatſoever, diſcloſe or diſcover the vote or opinion of any particular member of the court-martial, unleſs required to give evidence thereof as a witneſs, by a court of juſtice in a due courſe of law.* So help you God.

IX. If any inferior officer or ſoldier, guilty of profane ſwearing, drunkenneſs, or any other the like offence, while the militia is employed as aforeſaid, on conviction before a court-martial, ſhall pay five ſhillings for every offence, ſo that the ſame at any one time doth not exceed twenty ſhillings: And every ſoldier failing to pay the ſame, or give ſecurity as aforeſaid, ſhall, for every of the ſaid offences, receive five laſhes, ſo that the ſame at any one time doth not exceed twenty laſhes: And no perſon ſhall be ſubject to a ſecond trial for the ſame offence, after he hath been once condemned or acquitted thereof.

X. If any inferior officer or ſoldier, during the time the militia is employed as aforeſaid, diſobeys the lawful commands of his ſuperior officer, or behaves himſelf refractorily, every ſuch officer ſhall pay ſuch fine, not exceeding fifty pounds; and every ſoldier, not exceeding five pounds, as by a court-martial, held as aforeſaid, ſhall be impoſed: And every ſoldier failing or refuſing to pay ſuch fine immediately, to his commanding officer, or to give ſecurity to pay the ſame within three months, ſhall receive thirty nine laſhes.

XI. If any officer be ſued, for any thing done in purſuance of this act, he may plead the general iſſue, and give the ſpecial matter, and this act in evidence.

XII. If any officer of the militia ſhall, upon the receiving the orders of the governor, or commander in chief, or any his ſuperior officer, for raiſing and marching the militia, according to this act,

act, deliver up his commission, to avoid the force of this act, and the punishment for disobeying such orders, he shall be liable to the same penalty as by this act is inflicted for disobeying or neglecting such orders, and be immediately inlisted as a common soldier by the next officer acting in command.

XIII. Upon raising any forces, pursuant to this act, any commissioned officer, commanding any part of the same, by warrant under the hand of any county-lieutenant, colonel, lieutenant colonel, or major, may impress necessary provisions from any person, and sloops and boats, necessary for transportation of forces over rivers and creeks, or the bay of *Chesapeak*, with the rigging, tackle, furniture, and apparel thereunto belonging; and all manner of carts, waggons, draught horses, or oxen, or other conveniencies for the land-carriage of provisions, great guns, arms, and ammunition from place to place; and also all manner of utensils, tools, or instruments, which may be wanted for digging or intrenching, or towards the mounting the great guns, and making them useful: And may impress, by warrant as aforesaid, able and fit men to go in sloops or boats, and any smith, wheel-wright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms, making carriages for great guns, or doing any work whatsoever, where need shall be of such artificer.

XIV. Provided, No use shall be made of any provisions, utensils, tools, or instruments impressed as aforesaid, until appraisement hath been made thereof in money, by two good and lawful men, upon oath; one whereof to be chosen by the proprietor of such provisions, or other thing impressed, and the other by the commanding officer present, who shall administer such oath; nor of any sloop, boat, cart, waggon, horses, or oxen, till appraisement thereof as aforesaid; with the several appurtenances thereunto belonging: And also, an estimate made by the same men of a suitable allowance in money by the day, for the use of such sloop, boat, cart or waggon, with the draught horses or oxen, and appurtenances thereunto belonging: Which every person so impressing shall cause to be made, and give a receipt

to

to the owner, of every particular by him impreſſed; and a certificate how, and by whom the ſame was appraiſed and eſtimated, and for what uſe and ſervice impreſſed, upon pain of being liable to the penalty of twenty ſhillings; and moreover, to the action of the party grieved for unlawful ſeizure.

XV. Any number of men, not exceeding ſix, ſhall be appointed by the chief officer of the militia in each of the counties of *Elizabeth City*, *Princeſs Ann*, *Accomack* and *Northampton*, at ſuch times and places, as the governor, or commander in chief, ſhall direct, to keep a conſtant look-out to ſeaward by night and day, and obſerve the courſe and motions of all veſſels diſcovered on the coaſt; and if, on ſuch obſervation, any ſuch look-out ſhall ſuſpect ſuch veſſels to belong to an enemy, he ſhall immediately give notice thereof to the next field officer in his county, who ſhall tranſmit an account thereof to the governor, or commander in chief, and the county-lieutenant, or chief commanding officer of the militia in the ſaid county.

XVI. There ſhall be paid, by the public, to the officers and ſoldiers drawn out into actual ſervice, by virtue of this act, and the look-outs after the rates following, *viz.*

	l.	*s.*	*d.*
A county-lieutenant, or commander in chief,	0	10	0
A colonel, — — — —	0	10	0
A lieutenant colonel, — — —	0	10	0
A major, — — — —	0	8	0
A captain, — — — — —	0	6	0
A lieutenant, — — — —	0	3	0
An enſign, — — — —	0	2	0
A ſerjeant, — — — —	0	1	4
A corporal, — — —	0	1	4
A drummer, — — — —	0	1	2
A ſoldier, — — — — —	0	1	0

A Look-out, after the rate of thirty ſhillings *per* month.

XVII. Every

XVII. Every ſmith impreſſed and employed as aforeſaid, ſhall be paid by the public, four ſhillings *per* day; wheel-wright three ſhillings; waterman one ſhilling and ſix-pence *per* day.

XVIII. If any boat, ſloop, cart or waggon, be damnified, or horſe or ox hurt, the damage ſhall be enquired into by two good and lawful men on oath, to be appointed as for appraiſing: And if the proprietor ſhall refuſe to appoint perſons to appraiſe the goods ſo impreſſed, the commanding officer then preſent may appoint both perſons to make ſuch enquiry, and adminiſter to them an oath for that purpoſe; and the difference between the appraiſement and valuation, when diſcharged, ſhall be paid by the public, to the proprietor of ſuch ſloop, boat, waggon, cart, horſe or ox.

XIX. The governor, or commander in chief, may aſſign ſuch a number of the militia as he ſhall think fit, to attend the batteries erected in the ſeveral rivers, under the command of ſuch officer or officers, and under ſuch order and diſcipline as he ſhall direct: which number of the militia ſhall be draughted out of any of the militia of the county, by the commanding officer of the ſaid county in which ſuch battery is, and ſhall be exempted from all private muſters, except at ſuch battery during their attendance there: And if any ſoldier ſo draughted, ſhall refuſe to enter upon the ſaid ſervice, or to obey the command of the commanding officer at ſuch battery, he ſhall forfeit and pay three pounds, or receive thirty nine laſhes for every ſuch refuſal, upon conviction thereof before a court martial, held as aforeſaid.

XX. If any perſon armed out of his majeſty's magazine, or other ſtores, ſhall detain or imbezzle any arms or ammunition delivered him for the public ſervice, and ſhall not produce and redeliver the ſame when required, the county-lieutenant, or chief commanding officer of the county, may, by warrant under his hand, commit ſuch offender to priſon, till he ſhall make ſatisfaction for the arms or ammunition, detained or imbezzled.

XXI. When any commanding officer, ſhall, purſuant to this act, raiſe any of the militia of his county, he ſhall not depute any greater number of inferior officers to act upon duty than follows;

that is to ſay, Only one captain, one lieutenant, one enſign, three ſerjeants or corporals, and one drummer for every fifty ſoldiers, and in proportion for a greater number; and for every company of thirty men, one lieutenant, one enſign and two ſerjeants; and for every company not exceeding fifteen men, only one enſign and one ſerjeant.

XXII. Every commanding officer ſhall, together with the officer of the company by him raiſed, and ſent out as aforeſaid, certify to the ſucceeding aſſembly, a diſtinct liſt of the number of ſuch company, and officers acting under him, with the time they ſhall have been upon actual duty: Which certificate ſhall be atteſted upon oath, by the chief officer of ſuch company, before any juſtice of the county.

XXIII. If any commanding officer ſhall order out a greater number of inferior officers then are herein before expreſſed, the pay of ſuch ſupernumerary officers ſhall be levied upon him.

XXIV. Provided, When any part of the militia, raiſed by virtue of this act, ſhall be diſcharged within two days, no allowance ſhall be made, but every man ſhall bear his own charge; and when they ſhall be kept in ſervice above two days, they ſhall be paid for the whole time as aforeſaid.

XXV. When any offender cannot be apprehended, ſo as to be tried by a court-martial, as this act directs, any court of record, upon complaint by any commanding officer of the militia, may cauſe ſuch offender to be apprehended and brought before them, and take cognizance of the ſaid offence; and upon conviction impoſe ſuch fine, or inflict ſuch corporal puniſhment, not extending to life or member, as ſhall be thought reaſonable.

XXVI. When the militia of any county is drawn out into actual ſervice, by virtue of this act, every officer and ſoldier ſhall be exempted from all proceſs, in any cauſe or ſuit whatſoever (other than for ſome criminal matter) and his eſtate privileged from all executions, attachments and diſtreſſes whatſoever. And if any ſuit be depending in any court, in which any officer or ſoldier drawn out as aforeſaid, ſhall be plaintiff or defendant, the

ſame

ſame ſhall be ſtaid, and no proceedings had therein, during the time ſuch officer or ſoldier continues in ſuch ſervice.

XXVII. For any meſſage ſent, purſuant to this act, by land or water, allowance ſhall be made, as the law directs, for public expreſſes.

XXVIII. This act ſhall be publiſhed at every general muſter, during its continuance, by order of the county-lieutenant, or chief officer of the militia then preſent, under the penalty of ten pounds for every neglect.

XXIX. All the fines inflicted by this act, not otherwiſe directed, ſhall be, one half to the king, for ſupplying with arms the militia of the county to which the offender belongs, and the other to the informer; to be recovered with coſts, by action of debt or information in any court of record.

XXX. All acts, *&c.* concerning any thing within the purview of this act repealed: And this act to commence and be in force from its paſſing for two years.

IRON-WORKS.

22 *Geo.* II. (1748) *cap.* 46. *ſect.* 1.

§ I. THE juſtices of any county in which any iron work is, or ſhall be erected, ſhall, upon application of the owners, or chief manager of ſuch works, order good roads to be made from ſuch work, to the neareſt place on ſome navigable river or creek, where the iron made at ſuch works may be brought and ſhipped off, and for bringing from thence ſtone, and other materials for carrying on ſuch works, and for carrying wood, coal, ore or ſtone, from any place to ſuch furnaces; and ſhall order ſuch cauſeways and bridges as ſhall be neceſſary for wheel-carriages, to paſs with the moſt eaſe to, and from ſuch iron-works: Which roads, cauſeways and bridges, ſhall be cleared, made, and repaired by the owners of ſuch iron works.

II. Provided, All roads ordered by the general court or any county court for public uſe and conveniency, ſhall be cleared and maintained by the reſpective ſurveyors thereof as public

roads; and all persons employed about any iron-work shall be exempted from clearing and repairing all highways and bridges (except those to be made for the benefit of such work) and from clearing rivers and creeks, as long as they shall continue so employed.

III. The overseers or managers of such works may cut down, take and use so much wood and timber adjoining, or contiguous to the roads, laid out, or to be appointed, for the benefit of their respective works, as shall be necessary for the making and repairing convenient bridges on the roads, but shall not cut down, or take any timber fit to make clap boards, without the proprietor's consent, and shall make satisfaction to the proprietors of such timber as exceeds fifteen inches diameter at the butt of the tree: And if the value thereof cannot be agreed on between the manager of the iron-work and the proprietor of such timber, or his or her attorney or agent, he or she may apply to any justice of the county where such timber shall be, who shall appoint three honest disinterested freeholders of such county to value the same on oath, in current money, without fee; and report such valuation to him, or some other justice of the county; and thereupon, the owner or manager shall pay such valuation to the proprietor of the timber, his attorney or agent.

IV. All persons employed about building, or carrying on any such work, cutting wood, making coal, raising ore, or any other thing necessary for carrying on the same; shall, during the time they are so employed, be exempted from serving in the militia, at any general or private muster, except in the case of an invasion, insurrection or rebellion.

V. All tithable persons employed about any iron-works, shall, for seven years after beginning the same, and notice thereof given by the owners or managers to the court of the county where such works are to be carried on, be exempted from the payment of public levies, but subject to the payment of parish and county levies: Which nevertheless, during the said term of seven years, after notice given as aforesaid, shall be repaid to such owners, by an allowance and credit to be given them in the pub-

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lic levy, for so much tobacco as such parish and county levies shall amount to.

VI. Provided, The owners or managers of such work, shall, within twenty days after the tenth day of *June*, yearly, give a list of all persons so to be employed, to the person appointed to take the list of tithables in the precinct where they shall live or be employed, otherwise they shall not be entitled to any exemption for that year.

VII. If any of the persons to be exempted as aforesaid, shall be employed in planting or making tobacco, the owners of such work shall, for that year, lose the benefit of the exemption aforesaid, for all the persons employed about such work; and if the same be done with their knowledge or consent, shall further forfeit five hundred pounds of tobacco for every person above the age of sixteen years, constantly residing on the plantation or plantations where such tobacco shall be so made; and if it be done without the knowledge or consent of such owners, the overseers of such plantation or plantations shall be liable to the same penalty; to be recovered with costs, by action of debt, in any court of record where the same shall be cognizable; one moiety to the informer, the other to the king.

VIII. Provided, Nothing herein shall extend to such person or persons who shall sell wood to the owners or managers of any iron-work, and shall employ his or her servants or slaves to cut the same.

JUDGMENTS.

27 *Geo.* II. (1753) *cap.* 1. *sect.* 14.

§ I. UPON the expiration of any rule, judgment, by default or a nonsuit, shall be signed by the clerk in the office, as of the preceding court: Which judgment shall be final in actions of debt, where the debt is certain, and in other actions a writ of enquiry shall be executed the next court after judgment, signed in the office, giving the defendant or his attorney six days notice of the execution thereof, if the defendant lives within

twenty

twenty miles of the place where the general court ſhall be held; and if more than that diſtance, twelve days notice.

II. *Sect.* 26. If, upon trial of any appeal, writ of error, or *ſuperſedeas*, the judgment or decree of any county or inferior court ſhall be reverſed, the general court ſhall enter ſuch judgment, or make ſuch decree thereon, as ſhould have been entred or made in the inferior court.

JUDICIAL PROCEEDINGS.

32 *Car.* II. (1680) *cap.* 1. *ſect.* 12.

§ I. NO proceedings whatſoever in law or equity, before paſſing this law here, ſhall be avoided by reaſon the governor or counſellors were not veſted with legal authority.

II. 4 *Ann*, (1705) *cap.* 28. *ſect.* 3. All acts, deeds, and ſentences of the governor, lieutenant-governor, commander in chief, or preſident and council; and all acts of council, judgments of courts, acts of juſtices of the peace, and all other officers, civil and military, which he or they might lawfully do, ſign or paſs, during the life of the king or queen, for the time being, ſhall be valid to all intents and purpoſes in law, although the ſame happen to be acted, done or ſigned, after the death of the ſaid king and queen, and before the ſame is, by proclamation, publy notified here. And all treaſons, rebellions, and other crimes committed, during the ſaid time, ſhall be puniſhable to all intents, as if the king or queen had been actually alive at the time of the commting thereof.

III. 25 *Geo.* II. (1752) *cap.* 5. *ſect.* 2. All writs and other proceſs at common law, or in chancery, and all ſuits, appeals and proceedings whatſoever, iſſued, granted or proſecuted, between the commencement of 22 *Geo.* II. *cap.* 6. and the date of the proclamation for repealing the ſame, now returned or returnable, determined or depending in the general court, ſhall be confirmed, and as good and valid as if the act of 22 *Geo.* II. *cap.* 6. had not been repealed.

IV. 25

IV. 25 *Geo.* II. (1752) *cap.* 7. *sect.* 2. All writs, and other process at law, or in chancery, and all suits and proceedings whatsoever, issued, granted or prosecuted, between the commencement of 22 *Geo.* II. *cap.* 59. now returned or returnable, determined or depending, in any of the courts in the counties of *Brunswick, Fairfax, Lunenburg, Frederick, Albemarle* and *Augusta*, shall be confirmed, and as good and valid to all intents and purposes, as if this act of 22 *Geo.* II. *cap.* 59. had not been suspended or expired.

V. All causes now depending and undetermined in any of the said courts, shall be transposed and carried out of the rule docket, for each of the said counties, into the court dockets thereof, in the same order as they now stand in the rule docket of the said courts respectively, and shall be proceeded in, according to the method used in the monthly courts.

VI. 27 *Geo.* II. (1553) *cap.* 2. *sect.* 39. All writs, and other process at the common law, or in chancery, and all suits, appeals and proceedings whatsover, issued, granted or prosecuted at any time before passing this act, and now returnable or depending in the general court may be returned, prosecuted, heard and determined in the same manner as if this act had never been made.

JURIES.

22 *Geo.* II. (1748) *cap.* 11. *sect.* 5.

§ I. FOR trial of all causes (treason and felony excepted) both in general and county courts, the sheriff, or officer attending the court, shall, every day the court sits, summon a sufficient number of the bystanders, qualified as hereafter directed, to attend the court that day, that out of them sufficient juries may be impannelled: And every bystander so summoned, and failing to attend the court, shall be fined four hundred pounds of tobacco to the king, *&c.* towards support of this government.

II. No person shall be capable to be of a jury for trial of any treason, felony, breach of the peace, misprision of treason, breach

of

of any penal law, or any pleas of the crown, or of any eſtate of freehold, or eſtate or title in or to lands, tenements or hereditaments, in any court of record, or be a juror in any cauſe depending in the general court, unleſs he be a freeholder, and poſſeſſed of a viſible eſtate real and perſonal, of at leaſt the value of one hundred pounds current money. And no perſon ſhall be capable to be of a jury, for the trial of any cauſe whatſoever in any county court, unleſs he be poſſeſſed of a viſible eſtate real and perſonal, of the value of fifty pounds, at leaſt: And no ſheriff or officer, ſhall ſummon or return any juror not qualified as this act directs.

III. Provided, No exception to any juror on account of his eſtate, ſhall be allowed after he is ſworn.

IV. 22 *Geo.* II. (1748) *cap.* 13. *sect.* 6. When any perſon ſhall be committed to the public goal for treaſon or felony, for which he or ſhe may be tried before the court of *Oyer* and *Terminer*, or the general court, the ſheriff or officer bringing ſuch perſon to the public goal, ſhall immediately give notice to the clerk of the general court of ſuch commitment, and the cauſe thereof; and the pariſh, and county where the fact for which ſuch perſon committed ſhall be alledged to be done.

V. The ſaid clerk ſhall thereupon iſſue a writ, directed to the ſheriff of the county where ſuch fact was committed, commanding him to cauſe to come twelve good and lawful freeholders of his county, reſiding as near as may be to the place where the fact is alledged to be committed, before the juſtices of *Oyer* and *Terminer*, on the firſt day of that court, or the juſtices of the general court, on the ſixth day thereof then next enſuing, and return a pannel of their names.

VI. Which twelve freeholders ſo returned, or ſo many of them as ſhall appear, not being challenged, together with ſo many other good and lawful freeholders of the byſtanders, as ſhall make up the number of twelve men, ſhall be a lawful jury for the trial of any perſon indicted of treaſon or felony, committed or done in any county of this colony, before the juſtices of the court of *Oyer* and *Terminer*, and the general court reſpectively.

VII. Eve-

VII. Every *venire* man ſo ſummoned, appearing and attending ſuch court ſhall have the ſame allowance for travelling and attendance, as by law is provided for witneſſes in the general court.

VIII. Any perſon ſo ſummoned, and returned on the pannel to ſerve on the petit jury before the juſtices of *Oyer* and *Terminer*, failing to appear and attend, may be fined by the juſtices of the ſaid court, not exceeding four hundred pounds of tobacco.

IX. No perſon ſhall be of the petit jury in the court of *Oyer* and *Terminer*, who ſhall not be a freeholder, and poſſeſſed of an eſtate real and perſonal of one hundred pounds current money at the leaſt; but no exception taken to a juryman for the inſufficiency of his eſtate ſhall be allowed, unleſs the ſame be made before he is ſworn of the jury.

X. If any challenge ſhall be made for the king, of any of the twelve jurors ſo as aforeſaid, returned by the ſheriff of the county where the fact is alledged to be done, good cauſe of ſuch challenge ſhall be ſhewn.

LAPSED LANDS.

9 *Ann*, (1710) *cap*. 13. *ſect*. 20.

§ I. IF any perſon ſhall hereafter obtain a patent for any land, and ſhall fail to ſeat the ſame within three years, or to pay the full quit-rents for the quantity in ſuch patent mentioned, for the ſpace of three years, ſuch perſon, beſides loſing ſuch land, ſhall forfeit and loſe all benefit of thoſe rights on which ſuch patent was obtained.

II. No patent ſhall be granted to any perſon for any land as aforeſaid, for want of ſeating or non-payment of quit-rents as aforeſaid, until three years expired after the date of the firſt patent, nor until judgment and certificate obtained from the general court in manner following: The perſon deſiring a grant of ſuch forfeited land, ſhall petition the governor or commander in chief, therein ſetting forth what county the land lies in, to whom it was formerly granted, for what cauſe it is become forfeited, and in what county the grantee reſides; and ſhall, at the ſame

time, file a copy of ſuch petition in the ſecretary's office, whereupon the clerk ſhall iſſue a writ to the ſheriff of the county where the grantee reſides, to ſummon ſuch grantee to appear on a certain day of the next general court, to ſhew cauſe why ſuch land may not be granted to the party petitioning for the ſame, which writ ſhall be ſerved on ſuch grantee by the ſheriff or underſheriff of the county where he reſides; and if, upon return thereof ſo ſerved, ſuch grantee, or ſome perſon in his behalf, does not appear and make ſufficient proof that the ſaid land hath been ſeated, or the quit-rents thereof paid, the general court ſhall adjudge the ſaid land to be forfeited and veſted again in the crown, and ſhall cauſe an order or judgment to be entered accordingly, and ſhall certify the ſame to the governor, or commander in chief; and alſo, that it doth appear to them, that the then proſecutor was the firſt petitioner for the ſaid land, and hath purſued the ſame with effect; which certificate ſhall entitle the party obtaining the ſame, to have a patent for the land in the ſame manner and under the ſame reſtrictions and proviſoes, as land not before patented. Any if there be a greater quantity of ſuch forfeited land than ſhall be granted to ſuch petitioner, the reſidue ſhall be granted to ſuch other perſon or perſons as ſhall petition for the ſame, under the like reſtrictions and proviſoes.

III. Provided, If it appears upon trial, that ſuch lands ſo petitioned for, ſhall have been ſeated by the firſt patentee, or thoſe claiming under him, before the exhibiting of ſuch petition; ſuch ſeating though not made within three years after the date of the patent) ſhall be adjudged a ſufficient ſeating, to fulfil the proviſo in ſuch patent.

IV. Provided, Where any perſon ſhall obtain a patent for land, and ſhall die within three years after the date of the patent, without ſeating, or paying the quit-rents, and ſuch land ſhall deſcend to any infant, feme convert, or perſon out of the country; ſuch land ſhall not be adjudged to be forfeited, for non-payment of the quit-rents, or for not ſeating thereon, until three years after the death of ſuch patentee: And if the guardian to ſuch infant, or huſband of ſuch feme covert, ſhall ſuffer ſuch land to lapſe, for

want

want of ſeating, or non-payment of the quit-rents, within the ſaid three years; ſuch guardian or huſband, and their heirs, executors and adminiſtrators, ſhall reſpectively be liable to anſwer the full value of the land ſo forfeited, unto the heir at law, after his or her coming of full age, or diſcoverture.

V. 11 *Ann.* (1712) *cap.* 4. Where any perſon ſhall obtain a patent for land, and die within three years after the date of ſuch patent, without ſeating the ſame, or paying the quit-rents, and the inheritance of ſuch land ſhall deſcend to any infant; the court of that county, where ſuch infant's parent or anceſtor died, ſhall ſhall take ſecurity of ſuch infant's guardian, duly to pay the quit-rents of all lands to ſuch infant deſcended, and ſhall yearly enquire how the ſame is performed.

VI. Where there ſhall not be ſufficient diſtreſs found upon any infant's land to ſatisfy the quit-rents due for the ſame, the ſheriff may diſtrain the goods and chattels of ſuch guardian, for payment of the ſame: And if, through neglect of the county courts to take ſuch bonds, or of the ſheriffs to make diſtreſs as aforeſaid, the quit-rents for infants lands ſhall not be paid, nor any ſeating made thereon, the land ſhall not be forfeited, for not ſeating, or not paying the quit-rents, until three years after ſuch infant's coming of age. And if ſuch lands ſo deſcending to ſuch infant ſhall be ſeated, and the quit-rents due, from the date of the patent, paid within three years after ſuch infant's coming of age, the ſame ſhall be adjudged a ſufficient performance of the condition and limitation of the patent.

VII. Provided, When in ſuch caſe the inheritance of any land ſhall deſcend to an heir female, who ſhall marry before ſhe arrives to the age of twenty one years, the three years by this act allowed for ſeating and paying the quit-rents, ſhall be accounted from the time of ſuch coverture, and not otherwiſe.

VIII. 12 *Ann*, (1713) *cap.* 3. *ſect.* 8. When any land is ſued for as lapſed, the patentee ſhall reverſe ſuch quantity thereof, as his improvements are ſufficient to ſave; and may allot the reſidue which ſhall be found lapſed, to the perſon claiming the ſame, in any part of the tract, in one entire piece.

IX. Provided, Nothing herein, ſhall be conſtrued to oblige the patentee of any lands heretofore granted, to make any further cultivation thereon than was required by the laws and inſtructions in force, at the time of obtaining the grant thereof.

X. Provided nevertheleſs, That every patentee ſhall duly pay the quit-rents for the ſaid lands; and upon non-payment for three years, at any time after the date of his patent, all his eſtate ſhall be utterly void, and every part of the ſaid land ſhall revert to his majeſty, his heirs and ſucceſſors, notwithſtanding the ſeating and improvement thereof as aforeſaid.

XI. Provided alſo, That in all grants to be made of lands forfeited, for not complying with the condition in the firſt grant, the ſame proceedings ſhall be had, as are directed by 9 *Ann, cap.* 13. *ſect.* 2.

XII. 7 *Geo.* I. (1720) *cap.* 3. All lands to be ſeated and improved, according to the directions of this act, and within the time in the reſpective grants thereof, for that purpoſe limited, or before petition preferred for obtaining a grant thereof as lapſed, ſhall not be deemed forfeited for not complying with the condition of cultivation, mentioned in the grants thereof; and the proof of the ſeating and improvement, in this act mentioned, ſhall be made, and enure to the benefit of the perſon making the ſame, in the ſame manner as is directed by 12 *Ann, cap.* 3.

XIII. When any land ſhall be petitioned for as lapſed, the patentee ſhall reverſe ſo much thereof, as his improvements thereon, according to the directions of this act, ſhall be ſufficient to ſave; and may allot the reſidue which ſhall be found lapſed, to the perſon petitioning for the ſame, in any part of the tract, in one entire piece: And if the perſon againſt whom ſuch petition is exhibited, be not reſident in this colony, the ſummons iſſued upon ſuch petition ſhall be ſerved upon the attorney of ſuch nonreſident; but if no ſuch attorney can be found, a copy of the ſummons ſhall be affixed at the door of the court-houſe of the county where the land petitioned for lies, on five ſeveral court days, and alſo in the court-houſe at the capitol, at three general courts; and after, ſuch proceedings ſhall be had on ſuch petition,

on, as if the perſon had been perſonally ſerved with ſuch ſummons.

L E V I E S.

22 *Geo.* II. (1748) *cap.* 10. *ſect.* 7.

§ I. EVERY ſheriff ſhall receive and collect the public and county levies, and duly pay and ſatisfy the public or county creditors reſpectively, at the time limited by law.

II. All ſheriffs and collectors ſhall hereafter account on oath, for all levies by them received, to the reſpective county courts, or veſtries, which ſhall be applied towards leſſening the levy of ſuch county or pariſh.

III. 22 *Geo.* II. (1748) *cap.* 34. *ſect.* 2. The veſtry of every pariſh ſhall, at ſome convenient time, before the firſt day of *December* yearly, meet and lay the pariſh levies, of which public notice ſhall be given by the miniſter, or reader, at each church in the pariſh; and every veſtry ſhall levy and aſſeſs upon the tithable perſons in the pariſh, the ſalary for the miniſter, and all other pariſh charges; and alſo the legal allowance for caſk, where the tobacco due to any pariſh creditor ſhall be contracted to be paid with caſk, together with ſix *per cent*. for collecting the pariſh levy.

IV. The veſtry of every pariſh ſhall appoint ſuch perſon as they think fit to collect and receive their pariſh levy, the perſon ſo appointed giving bond, with ſufficient ſecurities for the due collecting and paying to the ſeveral pariſh creditors all tobacco levied, and ſhall have for his trouble the allowance aforeſaid, and ſhall have authority on refuſal of payment of any part thereof, by any perſon chargeable therewith, to diſtrain the ſlaves, goods and chattels of the perſon refuſing, and ſell the ſame, as by law directed, for other diſtreſſes.

V. If the veſtry of any pariſh ſhall neglect, or refuſe to levy the tobacco due to the miniſter, or other pariſh creditor, all and every the veſtrymen of ſuch pariſh, ſhall be liable to the action of

of the party grieved, his or her executors or adminiſtrators, for all damages ſuſtained by ſuch refuſal or neglect.

VI. 22 *Geo.* II. (1748) *cap.* 51. *ſect.* 30. All public county or pariſh levies ſhall be laid in neat tobacco, and the abatement out of every creditor's claim, for convenience, be deducted thereout at the time of laying the ſaid levies; which abatement ſhall be the ſame as allowed for quit-rents and officers fees (inſpectors notes, *ſect.* 9.) But where any creditor, by law or contract, ought to be paid with convenience, no abatement ſhall be made to the people by the collectors thereof.

VII. There ſhall be levied, in all the ſaid levies, ſix *per cent.* for collecting the ſame, and no more, which ſhall be allowed to the reſpective collectors.

VIII. The ſheriff or collector of the levies, quit-rents and officers fees, ſhall pay the ſame, by the ſame notes which they ſhall receive in payment thereof.

IX. All public county and pariſh levies, quit-rents, ſecretaries, ſheriffs, clerks, ſurveyors, and other officers fees payable in tobacco, ſhall be paid to the ſheriff or other collectors by tranſfer notes, before the tenth day of *April* yearly: Or the ſheriffs and other collectors may immediately after that day, diſtrain the goods and chattels of the perſons chargeable therewith, and ſell them for tobacco as goods taken in execution; and the overplus (if any) after paying the ſaid levies, quit-rents and fees, with the charge of diſtreſs, which is to be the ſame as for ſerving an execution, ſhall be returned to the debtor.

X. Where any goods are diſtrained for non-payment of quit-rents, the ſame ſhall be redeemed by the payment of money for ſo much as the ſaid quit-rents amount to; and if not redeemed, ſhall be ſold for money. And the ſheriffs, or other collectors of the ſaid levies and fees, ſhall, before the laſt day of *May* yearly, pay each creditor all the inſpectors notes received for their reſpective debts or claims, or forfeit to the party grieved double the value of the tobacco refuſed or delayed, to be paid after demand; to be recovered with coſts in any court of record,

if

if the debt exceeds two hundred pounds of tobacco, and before any juſtice, if two hundred pounds of tobacco or under.

XI. 12 *Geo.* II. (1738) *cap.* 21. All levies, ſecretaries, clerks, ſheriffs, and other officers fees, ſhall, and may be paid by the inhabitants of *Auguſta* and *Frederick* in money, for tobacco at three farthings *per* pound, without any deduction.

LIGHT-HOUSE.

25 *Geo.* II. (1752) *cap.* 4.

§ I. A Good and ſubſtantial light-houſe ſhall be built on the head land of *Cape Henry*.

II. After placing a light, uſeful for ſhipping, in the ſaid light-houſe, there ſhall be paid by the maſters or owners of all veſſels, coming into, or going out of the bay of *Cheſapeak* once every voyage, at the time of clearing out, two pence *per* ton of the burthen of each veſſel, to be collected by the reſpective collectors appointed to receive the ſame; and by them accounted for and paid to the treaſurer of *Virginia*, in the ſame manner, and with the like ſalary for collecting, as for the duties upon liquors: and by the ſaid treaſurer to be accounted for to the aſſembly, to be applied for reimburſing the money advanced for building the ſaid light-houſe, and for the ſupport and maintenance thereof.

LIMITATION of ACTIONS.

4 *Ann,* (1705) *cap.* 35.

§ I. ALL actions of treſpaſs, *quare clauſum fregit*, actions of treſpaſs, detinue, action ſur trover, and replevin, for taking away goods and cattle. All actions of account, and upon the caſe, other than ſuch accounts, as concern the trade of merchandize between merchant and merchant, their factors or ſervants: All actions of debt, grounded upon any lending or contract without ſpecialty: All actions of debt for arrearages of rent: All actions of aſſault, menace, battery, wounding and impriſonment, or any of them, ſhall be ſued within the times hereafter limited,

limited, and not after, that is to ſay, The ſaid actions upon the caſe (other than for ſlander) and the ſaid actions upon account; and for treſpaſs, debt, detinue, and replevin for goods and cattle; and the ſaid actions of treſpaſs, *quare clauſum fregit*, within five years after the cauſe of ſuch actions: And the ſaid actions of treſpaſs, of aſſault, battery, wounding, impriſonment, or any of them, within three years after the cauſe of ſuch actions: And the ſaid actions on the caſe for words, within one year after the words ſpoken.

II. Provided, If any of the ſaid actions or ſuits, judgment be given for the plaintiff, and the ſame be afterwards reverſed by error, or verdict paſs for the plaintiff, and upon matter alledged in arreſt of judgment, the judgment be given againſt the plaintiff, that he take nothing by his plaint, writ or bill; or if any of the ſaid actions be brought by original, and the defendant therein be outlawed, and ſhall after reverſe the outlawry: In all ſuch caſes, the plaintiff, his heirs, executors and adminiſtrators may commence a new action or ſuit within one year after ſuch judgment reverſed, or given againſt the plaintiff, or outlawry reverſed, and not after.

III. In all actions of treſpaſs, *quare clauſum fregit*, wherein the defendant ſhall diſclaim in his plea to make any title or claim to the land, in which the treſpaſs is by the declaration ſuppoſed to be done, and the treſpaſs be by negligence or involuntary, the defendant ſhall be admitted to plead a diſclaimer, and that the treſpaſs was by negligence or involuntary, and a tender of ſufficient amends for ſuch treſpaſs before the action brought, on ſome of which the plaintiff ſhall join iſſue; and if ſuch iſſue be found for the defendant, or the plaintiff be non-ſuited, the plaintiff ſhall be barred from the ſaid action, and all other ſuits concerning the ſame.

IV. Provided, If any perſon, entitled to any ſuch action of treſpaſs, detinue, action ſur trover, replevin, account, debt, treſpaſs, aſſault, menace, battery, wounding, or impriſonment, be at the time of the cauſe of ſuch action accrued, within the age of twenty one years, feme covert, *non compos mentis*, impriſoned, beyond

yond the ſea, or out of the country, ſuch perſon may bring ſuch action within ſuch times as are before limited, after the reſpective diſabilities removed.

V. Provided alſo, If any defendant to any of the aforeſaid actions, abſconds or conceals himſelf, or by removal out of the country or county where he reſided when ſuch cauſe of action accrued, or by any other indirect ways or means, defeats or obſtructs any perſon having title thereto, from bringing and maintaining all, or any of the aforeſaid actions, within the reſpective times limited by this act; ſuch defendant ſhall not be admitted to plead this act in bar to any ſuch action.

VI. 9 *Ann*, (1710) *cap.* 13. *ſect.* 9. All writs of *formedon* in deſcender, remainder or reverter of any lands, tenements and hereditaments, ſhall be ſued and taken within twenty years next, after the title and cauſe of action firſt accrued, and not after. And all entries into any lands, tenements, or hereditaments, ſhall be made within twenty years next, after the right or title of entry accrued, or the perſons not entering, and their heirs ſhall be utterly excluded from ſuch entry afterwards.

VII. Provided, If any perſon entitled to ſuch writ or writs, or having right or title of entry, ſhall, at the time of ſuch right or title firſt accrued, be within the age of twenty one years, feme covert, *non compos mentis*, impriſoned, or out of the country, ſuch perſon and his or her heirs, may, notwithſtanding the ſaid twenty years expired, bring action, or make entry within ten years next, after the diſability removed, or death of ſuch perſon ſo diſabled, and not after.

VIII. Provided, All perſons that are now out of this colony, and have any pretence of right, title or claim to any lands, tenements, or hereditaments within this colony, where they, or thoſe under whom they claim, have not been in actual poſſeſſion thereof, within the ſpace of twenty years laſt paſt, ſhall commence and proſecute their ſuit for the recovery thereof, within ten years next, after the laſt day of *May*, 1711. and at no time after.

IX. 8 *Geo.* II. (1734) *cap.* 6. *sect.* 9. Any person may hereafter maintain a writ of right, upon the possession or seisin of his or her ancestor or predecessor, within fifty years, or any other possessory action, upon the possession or seisin of his or her ancestor or predecessor, within forty years next before the test of the writ; but no person shall maintain a real action upon his own possession or seisin, but within thirty years next before the test of the writ.

LINEN CLOTH.

3 and 4 *Geo.* II. (1730) *cap.* 11.

§ I. EVERY person making, or causing to be made, any linen cloth, of flax or hemp of the growth and produce of this colony, shall be paid, as a reward, two pounds of tobacco for every ell of such cloth of the breadth and fineness of good oznabrigs, and four pounds of tobacco for every ell of such cloth of the breadth of three quarters of a yard, and fineness of good dowlas, or of any greater breadth or fineness; which rewards shall be levied on the inhabitants of the county where such cloth is made, and repaid at the next public levy.

II. The several county courts shall annually, at laying the county levy, allow an order to every person claiming the reward aforesaid, by virtue of this act, and levy the same upon the tithable persons in their respective counties by a poll tax.

III. Provided, Every such person shall first carry such linen before the same justice of the county where it was made, and make oath, or solemn affirmation, that the linen so produced, is of the growth and manufacture of this colony; and that no person hath before received, or entitled him or herself to receive the reward given by this act for making the same; and shall obtain from such justice, a certificate to such court, of having taken such oath; and that such linen is of the breadth and fineness before-mentioned, as the case shall be; and shall produce such certificate to such court, at laying the county levy.

IV. This

IV. This act ſhall commence and be in force upon his majeſty's ſignifying his approbation thereof, and ſhall continue thereafter five years, and thence to the end of the next ſeſſion of aſſembly.

MADEIRA WINE.

25 *Geo.* II. (1752) *cap.* 9.

§ I. ALL pipes, hogſheads, and quarter caſks of Madeira wine imported, ſhall contain the ſeveral quantities following: Every pipe one hundred and twenty gallons: Every hogſhead ſixty gallons; and every quarter caſk thirty gallons at the leaſt.

II. Any perſon ſelling any Madeira wine in any pipes, hogſheads, or quarter caſks, containing leſs than the quantities beforementioned, reſpectively, ſhall forfeit to the perſon buying the ſame, for every gallon under the gauges aforeſaid, twenty ſhillings; to be recovered with coſts, by action of debt, in any court of record where ſuch penalty exceeds twenty five ſhillings current money, otherwiſe before a juſtice of peace.

MAGAZINE.

1 *Geo.* I. (1714) *cap.* 3.

§ I. THERE ſhall be erected a good ſubſtantial houſe of brick, to be called *The Magazine*, where the governor ſhall direct, in which all the arms, gun-powder, and ammunition, belonging to the king, may be kept. For building which, any ſum, not exceeding two hundred pounds, to be paid out of the duty upon liquors and ſlaves, ſhall be appropriated: And the governor is deſired to direct the building thereof, and to iſſue his warrant to the treaſurer for payment of the money hereby given.

II. As ſoon as the ſaid magazine is finiſhed, the governor may appoint a perſon to take charge of the ſame, who ſhall be called,

The Keeper of the Magazine, and ſhall have a yearly ſalary of twenty pounds; and may alſo appoint another perſon to take care of, clean, and mend the arms kept in the ſame, who ſhall be called, *The Armourer*, and ſhall have a yearly ſalary of twenty pounds: Which ſalaries ſhall be paid out of the ſaid duty on liquors and ſlaves.

III. When there ſhall be a company erected and incorporated by charter, or act of aſſembly, by the name of *The Virginian Indian Company*, or any other name, to trade with the tributary or foreign *Indians*; ſuch company, before they be permitted to uſe the ſaid trade, ſhall pay to the treaſurer, one hundred pounds, in part of the money expended by virtue of this act.

IV. 29 *Geo.* II. (1755) *cap.* 1. *ſect.* 13. A ſtrong and tight brick wall, to incloſe the ſaid magazine, and a guard-houſe convenient thereto ſhall be built.

MAIMING.

25 *Geo.* II. (1752) *cap.* 16.

§ I. IF any perſon on purpoſe, ſhall unlawfully cut out, or diſable the tongue, put out an eye, ſlit the noſe or lip, or cut off, or diſable any limb or member of any ſubject of his majeſty; in ſo doing to maim or disfigure, in any of the manners before-mentioned, ſuch his majeſty's ſubjects; the perſon ſo offending, his counſellors, aiders, and abettors, knowing of, and privy to the ſaid offence, ſhall be felons, and ſuffer as in caſe of felony.

II. Provided, No attainder of ſuch ſelony ſhall extend to corrupt the blood, or forfeit the dower of the wife, or the lands, goods or chattels of the offender.

MARINERS.

12 *Geo.* II. (1738) *cap.* 22. *ſect.* 6.

§ I. NO perſon employed as a ſailor or ſeaman, on board any veſſel, ſhall, during the time he is on actual pay on board

board ſuch veſſel, be compelled to ſerve in the militia, in any county, city, or burrough where he is an inhabitant.

II. 22 *Geo.* II. (1748) *cap.* 17. Every ordinary-keeper, or other perſon entertaining, harbouring, or concealing any ſeaman, without good proof of his being about lawful buſineſs, ſuch ordinary-keeper ſhall forfeit fifty ſhillings current money to the informer; recoverable with coſts, by action of debt or information, in any county court; or on failure of preſent payment, or ſecurity for payment within ſix months, ſhall receive thirty laſhes on the bare back, well laid on.

III. If any ordinary-keeper, or other perſon ſhall harbour, or entertain any ſeaman, not producing a certificate of his being diſcharged, under the hand of his laſt maſter, ſuch offender ſhall be liable to the like forfeiture and puniſhment; recoverable in like manner.

IV. Every ſeaman belonging to any veſſel within this colony, who ſhall, without licence of his commander, go on ſhore, and abſent himſelf from his duty, ſhall, for every ſuch offence, forfeit five ſhillings current money; to be recovered before any juſtice by the maſter, or any of the crew of the veſſel to which ſuch ſeaman belongs; and in default of payment, or to give ſecurity for payment thereof, out of his wages, he ſhall receive ten laſhes on his bare back, well laid on.

V. Any ſeaman, or other perſon hired and ſent in any ſloop, boat, or other veſſel, for delivery of goods from on board, or fetching tobacco, or other merchandize, who ſhall diſobey the lawful commands of his captain, or other officer appointed by him for taking charge of ſuch veſſel, ſhall, upon complaint, and proof thereof made before any juſtice, receive twenty laſhes on his bare back, well laid on.

VI. If any ſeaman, or other perſon, hired to ſerve on board any veſſel, ſhall obſtinately refuſe to obey the juſt commands of his captain, maſter, or other ſuperior officer, or ſhall lift his hand againſt, or threaten any bodily hurt to any of them, or wilfully neglect his duty, or refuſe to work, not being diſabled by ſickneſs, or otherwiſe; any two juſtices (*quorum unus*) near the place

place where ſuch veſſel rides, upon complaint, may order the party offending to come before them, with ſuch witneſſes as either party deſires, at ſome convenient place near the veſſel, and may ſummarily hear and determine ſuch complaint; and upon proof of ſuch offence, may impoſe ſuch fine upon the offender, to be paid to the party injured, as to them ſhall ſeem juſt, not exceeding five pounds current money: And if the nature of the offence requires it, may order ſuch corporal puniſhment on the offender as they ſhall think fit. And if any perſon ſo convicted ſhall not make preſent payment, or give ſufficient ſecurity for the ſame within ſix months; as alſo, for his future good behaviour, he ſhall receive, on his bare back, thirty nine laſhes well laid on, and be remanded to his ſervice on board.

VII. 22 *Geo.* II. (1748) *cap.* 21. *ſect.* 8. All mariners and ſeafaring perſons, not being freeholders, commonly employed in navigation, and who actually pay towards the ſupport of *Greenwich* hoſpital out of their wages, ſhall be exempted from being liſted as tithables, and paying any public county or pariſh levy.

MARRIAGES.

22 *Geo.* II. (1748) *cap.* 32.

§ I. NO miniſter ſhall celebrate the rites of matrimony between any perſons, or join them together as man and wife, without lawful licence, or thrice publication of banns, according to the rubrick in the common-prayer-book: And if the perſons to be married dwell in ſeveral pariſhes, the banns ſhall be publiſhed in each pariſh; and the miniſter of the one pariſh ſhall not ſolemnize the matrimony, without a certificate from the miniſter of the other, that the banns have been thrice publiſhed, and no objection made; ſuch miniſter ſo offending, ſhall ſuffer one years impriſonment, without bail or mainprize, and forfeit five hundred pounds current money: And if any miniſter, contrary to the true intent of this act, ſhall go out of this colony, and there join together in matrimony any perſon or perſons belonging

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to this colony, without ſuch licence or publication as aforeſaid, he ſhall incur the ſame penalties, as if done within this colony.

II. Provided, Where any pariſh hath not a miniſter, the clerk or reader may publiſh banns; and if no objection be made, grant a certificate thereof, which, together with a certificate under the hand and ſeal of a juſtice of peace for the ſaid county, living in the pariſh where ſuch publication ſhall be, certifying that the feme ſo to be joined hath been an inhabitant of the ſaid pariſh, one month next, before the date of ſuch certificate, ſhall be ſufficient for any miniſter to ſolemnize the rites of matrimony.

III. If any miniſter, clerk, or reader, grants a falſe certificate, he ſhall ſuffer the impriſonment, without bail, and pay the forfeiture aforeſaid; and be alſo liable to further puniſhment, as in caſe of forgery: And all ſuch offences may be proſecuted, tried, and determined in any court of record here: Which courts may hear and determine the ſame, and award execution thereupon according to the courſe of the common law.

IV. Every marriage licence ſhall be iſſued by the clerk of that county where the feme uſually reſides, in manner following: He ſhall take bond, with good ſurety for fifty pounds current money, to the king, his heirs, *&c.* with condition, that there is no lawful cauſe to obſtruct the marriage for which the licence ſhall be deſired; and each clerk failing herein, ſhall forfeit fifty pounds current money: And if either of the perſons to be married, be under the age of twenty one, and not heretofore married, the conſent of the father or guardian of every ſuch infant, ſhall be perſonally given before ſuch clerk, or certified under the hand and ſeal of ſuch father or guardian, atteſted by two witneſſes: And thereupon the clerk ſhall iſſue licence, and certify that bond is given. And if the parties, or either of them, be under the age aforeſaid, he ſhall alſo certify the conſent of the father or guardian, and the manner thereof, to the firſt juſtice ſworn in commiſſion of the peace, or, in his abſence, to the next juſtice ſworn in that county, who ſhall ſign and direct the licence: And a licence ſo obtained and ſigned, and no other, is declared to be a lawful licence. And if any county court clerk, in any other

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manner, ſhall iſſue or certify any marriage licence; or if any perſon ſigns or directs a marriage licence, in other manner, or without ſuch certificate; every perſon ſo offending, ſhall be impriſoned one year, without bail or mainprize, and forfeit five hundred pounds current money: All which penalties ſhall be cognizable as aforeſaid.

V. If any feme ſole, of the age of twelve and under ſixteen, contrary to her father's or guardian's will or conſent, and without publication of the banns as aforeſaid, ſhall marry any perſon whatſoever; her next of kin, to whom the inheritance ſhould deſcend, may enter upon and take poſſeſſion of all lands, tenements, hereditaments, and all other real eſtate, which ſhe, at the time of her marriage had in poſſeſſion, reverſion, or remainder; and may enjoy the ſame, to him and the repreſentatives of his ſtock, with all privileges thereto belonging, during the coverture: But after determination thereof, all ſuch eſtate, and the poſſeſſion, reverſions, remainders, rights, immunities, and privileges, ſhall immediately revert, and be, and remain in the ſaid feme and her heirs, other than her huſband; and ſhe and they, and every of them, may re-enter and take poſſeſſion of the ſame.

VI. If any miniſter, clerk, or reader ſhall wittingly publiſh the banns of matrimony between any ſervants, or between any free perſon and ſuch ſervant, by act of parliament, act of aſſembly, indenture, or cuſtom; or if any miniſter ſhall knowingly marry any ſuch, without certificate from ſuch ſervant's maſter or miſtreſs, that it is done by their conſent, he ſhall forfeit ten thouſand pounds of tobacco: And every ſervant ſo married without ſuch conſent, ſhall ſerve his or her maſter or miſtreſs, their executors, adminiſtrators, or aſſigns, one year after the time of ſervice by indenture or cuſtom expired. And every free perſon ſo marrying with a ſervant, ſhall pay to the owner of ſuch ſervant, one thouſand pounds of tobacco, or ſerve ſuch owner one year.

VII. Every county court clerk ſhall, annually in *October*, deliver to the governor, or commander in chief, a true liſt of all marriages licence by him iſſued; the fees of which ſhall be as follows:

lows: To the governor, or commander in chief, twenty shillings; to be paid to the county court clerk, before the licence issued, and to be by him accounted for at the time aforesaid; to the minister, if by licence, twenty shillings; by banns five shillings; for publishing the banns, and certificate thereof, where required, one shilling and six-pence, and no more.

VIII. Every minister shall have the benefit of the fees, arising within his parish for marriages and funeral sermons, if he shall not neglect or refuse to serve, though another minister be employed to do the same: Which fee for every funeral sermon when preached, upon request, shall be forty shillings, and no more.

IX. If any minister refuses to celebrate the rites of matrimony, for the fees hereby allowed, or exacts any greater or other fees, or if he, or any parish reader or clerk, shall refuse to publish the banns, or to certify the same, when required, for the fee aforesaid, or exact any other or greater fee; every person so offending, shall forfeit and pay two thousand pounds of tobacco to the party grieved, for every such offence; recoverable in any county court.

X. 27 *Geo.* II. (1753) *cap.* 7. *sect.* 14. Whatsoever *English*, or other White man or woman, being free, shall marry a *Negro*, or *Mulatto* man or woman, bond or free, shall, by judgment of the county court, be committed to prison, to remain there six months, without bail or mainprize, and shall forfeit and pay ten pounds to the use of the parish.

XI. Every minister or other person marrying any White man or woman, to any *Negro*, or *Mulatto*, shall forfeit, for every such marriage, ten thousand pounds of tobacco; one moiety to the king, and the other to the informer; to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record.

MARSHES.

9 *Ann*, (1710) *cap*. 13. *sect*. 25.

§ I. NO person shall take up and patent any swamps, marshes, or sunken grounds, contiguous to the high land of any person before patented, until such person intending to take up the same, shall, in presence of two witnesses, have given notice of his intentions to the proprietor and possessor of such high land, and till one year expired after such notice given; and then, such person, his heirs or assigns, may take up and patent the same: In which patent shall be particularly expressed, whether such lands are swamps, marshes, or sunken grounds, and to whose high lands they are adjoining: And every patent obtained contrary to the true intent thereof, shall be absolutely void: And if any controversy arises concerning such notice being given as aforesaid, within five years after such person shall be in actual possession of such swamps, marshes, or sunken grounds, the *onus probandi* shall lie upon the person who ought to have given such notice; but if no such controversy arises within that time, five years possession shall be taken as good proof that notice was duly given.

II. Provided, Nothing herein shall extend to give liberty to any person, to take up and patent any such swamps, marshes, or sunken grounds, contiguous to the high lands of any feme covert, infant, or person, *non compos mentis*, on pretence of such notice being given to any of them, or to the husband, guardian, or other person in possession thereof.

MASTERS of VESSELS.

32 *Car*. II. (1680) *cap*. 3. *sect*. 4.

§ I. THE master of every vessel shall deliver his boatswain's book to the perusal of the collector, and make oath to the truth thereof to the best of his knowledge; and the mate, boatswain, or any other officer, seaman, or person, may be also sworn,

ſworn, if there be cauſe for the diſcovery of the freight: And if any maſter ſhall wittingly or willingly conceal any part of his freight, or make falſe entry of the burthen of the veſſel, or number of perſons imported, ſuch maſter ſhall forfeit, for every ſuch offence, one hundred pounds ſterling, and treble duties for every hogſhead, or five hundred pounds of tobacco, and for every ton concealed; one moiety to the king, the other to the informer; to be recovered by action of debt, bill, plaint or information.

II. The maſter of every veſſel ſhall enter into a bond of twenty pounds ſterling to the king, for payment of the duty of ſo many hogſheads, or five hundred pounds of tobacco, as ſhall, upon due certificate, appear to be entered in the cuſtom-houſe in *England*, more than ſhall be entered and paid to the collectors and officers here, unleſs the ſaid collectors and officers be fully ſatisfied of the true number of hogſheads; ſuch bond to be made without fee, and to be void if not put in ſuit, upon certificate to be procured by the reſpective collectors from the cuſtom-houſe in *England*, within one year from the making thereof: Which collectors and officers ſhall diligently put this act in execution, and be allowed their uſual ſalaries, or ſuch other as the governor, or commander in chief, with advice of the council, ſhall judge neceſſary for collecting the ſaid impoſition: And the governor, or commander in chief, with advice of the council, may give ſuch reaſonable allowance as they ſhall judge fitting, not exceeding ten *per cent.*, to ſuch maſters, or other perſons as ſhall give in true accounts, and pay down the above duties in money, or good bills of exchange, to the ſatisfaction of the reſpective collectors.

III. 22 *Geo.* II. (1748) *cap.* 17. *ſect.* 4. No maſter of a veſſel within this colony, ſhall hire, receive, or entertain any ſeaman, without a diſcharge under the hand of his former commander, under the penalty of twenty pounds current money for every ſeaman ſo hired, received, or entertained; recoverable with coſts, by the maſter or owner of the veſſel to which ſuch ſeaman belongs, by action of debt, in any court of record here.

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IV. Every master of a vessel shall allow and provide good and sufficient diet and accomodation, for all persons under his command, on board such vessel, according to the usage in merchants service, and shall provide like good and sufficient provision of wholsome victuals, to all persons employed by him in sloops, boats, or other vessels for delivery, or bringing on board of goods, proportionable to the distance of place and length of time, such persons may reasonably be absent; or, upon complaint, any justice, next to the place where such vessel resides, shall call before him such master; and upon examination of the said complaint, may order such satisfaction to be made to the party injured, as to him shall seem just; and if need be, may award execution against the body or goods of such master.

V. Every master of a vessel who shall immoderately beat, wound, or maim any seaman belonging to his vessel, shall, upon complaint made to any justice, by warrant under such justices hand, directed to the sheriff, or constable, be brought before such justice, and give sufficient security for his good behaviour; and moreover, shall be liable to the suit of the party grieved, for all damages sustained by such beating, wounding, or maiming.

VI. If any master of a vessel shall discharge, or put on shore any sick, or disabled sailor or sailors belonging to his vessel, or any servant, without taking due care for his maintenance and cure, such master shall forfeit ten pounds current money to the church-wardens of the parish where such sailors or servant shall be put on shore; to be recovered with costs, by action of debt or information, in any county court, and applied towards lessening the parish levy, and shall be liable to the action of the church-wardens of that or any other parish, to which such sailors or servant shall become chargeable for all expences of maintenance and cure; in which action, no act or statute of limitation shall be pleadable.

VII. Every master upon discharging a seaman from his service, shall give him a certificate under his hand, that the person therein named hath served on board his vessel, and is by him discharged; which, shall be sufficient to indemnify any other person hir-

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ing or entertaining ſuch ſeaman: And any maſter refuſing, on requeſt of the party diſcharged, to grant him ſuch certificate, ſhall forfeit and pay to ſuch party, five pounds current money; recoverable with coſts before any juſtice, who may hear and determine the ſame, and thereupon give judgment and award execution.

VIII. Provided, Nothing herein ſhall be conſtrued to reſtrain the authority and juriſdiction of the lord high admiral of *Great-Britain*, the vice admiral of this dominion, or judge of the vice admiralty, in any matter properly cognizable in the admiralty court.

MILITIA.

30 *Geo.* II. (1757) *cap.* 3.

§ I. FROM and after the paſſing this act, every county-lieutenant, colonel and other inferior officer, bearing any commiſſion in the militia, ſhall be an inhabitant of, and reſident in the county of which he ſhall be a commiſſioned officer.

II. The lieutenant, or in his abſence the chief officer of the militia, in every county (*Hampſhire* excepted) ſhall liſt all male perſons above the age of eighteen, and under ſixty (imported ſervants excepted) under the command of ſuch captain, as he ſhall think fit, within one month after the paſſing of this act.

III. Provided, No perſon hereafter mentioned ſhall be compelled to muſter, that is to ſay, Such as are members of the council, ſpeaker of the houſe of burgeſſes, receiver-general, auditor, ſecretary, attorney-general, clerk of the council, clerk of the ſecretary's office, miniſters of the church of *England*; the preſident, maſters, or profeſſors, and ſtudents of *William* and *Mary* college; the mayor, recorder, and aldermen of the city of *Williamſburg*, and borough of *Norfolk*, the keeper of the public goal, any *bona fide* overſeer over four tithable ſervants or ſlaves, and actually reſiding on the plantation where they work, and receiving a ſhare of the crop or wages, for his care and pains in looking after them; any miller having the charge and keeping of any mill; and

and founders, keepers, or other perſons employed in or about any copper, iron, or lead mine, who are all hereby exempted from being inliſted, or any ways concerned in the militia, during the time they ſhall continue in ſuch ſtation or capacity.

IV. Every perſon ſo as aforeſaid inliſted (except free *Mulattos, Negros*, and *Indians*) ſhall be armed as follows: Every ſoldier ſhall be furniſhed with a fire-lock well fixed, a bayonet fitted to the ſame, a double cartouch box, and three charges of powder, and conſtantly appear with the ſame at the time and place of muſter; and ſhall keep at his place of abode one pound of powder, and four founds of ball, and bring the ſame into the field, when required.

V. If it ſhall be certified to the court of any county, by order of the court-martial, that any ſoldier inliſted in ſuch company is ſo poor as not to be able to purchaſe the arms aforeſaid, ſuch court ſhall depute ſome perſon to ſend for the ſame to *Great-Britain* by the firſt opportunity, and levy the charge thereof in the next county levy: Which arms ſhall be marked with the name of the county.

VI. Any perſon buying or ſelling ſuch arms ſo provided, ſhall forfeit ſix pounds; to be recovered with coſts, by information, before the court of the county to which the arms ſhall belong, or in the court of the county where the offender reſides; one moiety for the uſe of the county to which the arms ſhall belong, for the purchaſing other arms, and the other moiety to the informer.

VII. All arms purchaſed by any county, and delivered to any poor ſoldier as aforeſaid, ſhall, on his death, or removal out of the county, be delivered to the chief officer of the militia in the county, or to the captain of the company to which ſuch poor ſoldier did belong; to be by ſuch officer delivered to any other poor ſoldier that the commanding officer of the ſaid county ſhall adjudge unable to provide himſelf with arms as aforeſaid.

VIII. Each counſellor, the receiver-general, auditor, and ſecretary (not being a counſellor) and the ſpeaker of the houſe of burgeſſes, not being officers of the militia, ſhall each of them

provide

provide four compleat ſets of arms, as herein before directed for a ſoldier: And the attorney-general, the clerk of the council, the clerk of the ſecretary's office, the mayor, recorder, and aldermen of the city of *Williamſburg*, and borough of *Norfolk*, not before obliged by this act, and not being officers of the militia, ſhall each of them provide two ſuch ſets of arms, for the uſe of the county, city, or borough wherein they reſpectively reſide: And on failure or refuſal ſo to do, within twelve months after the paſſing of this act, the ſeveral courts of the counties wherein they reſpectively reſide, may levy the value of the ſame on each of them reſpectively.

IX. Provided, Such of the ſaid perſons who have already provided arms for the uſe of the county, city, or borough where they reſide, according to the directions of the act of 29 *Geo.* II. intitled, An act for the better regulating and training the militia, ſhall not be obliged to provide any other arms for the uſe aforeſaid.

X. All ſuch free *Mulattos*, *Negros*, and *Indians* as are or ſhall be inliſted as aforeſaid, ſhall appear without arms, and may be employed as drummers, trumpeters, or pioneers, or in ſuch other ſervile labour as they ſhall be directed to perform.

XI. Every captain ſhall once in three months, or oftner, if thereto required by the lieutenant, or chief commanding officer in the county, muſter, train and exerciſe his company: And the lieutenant, or other chief commanding officer in the county, ſhall cauſe a general muſter and exerciſe of all the companies within his county, to be made in the months of *March* or *April*, and *September* or *October* yearly.

XII. If any ſoldier ſhall, at any general or private muſter, refuſe to perform the command of his officer, or behave himſelf refractorily, or mutinouſly, or miſbehave himſelf at the courts martial to be held in purſuance of this act, the chief commanding officer then preſent, may cauſe ſuch offender to be tied neck and heels, for any time not exceeding five minutes, or inflict ſuch corporal puniſhment as he ſhall think fit, not exceeding twenty laſhes.

XIII. Eve-

XIII. Every captain, or in his abſence the lieutenant, ſhall duly make a liſt of all the perſons upon his muſter rolls, who ſhall be ſummoned, and do not appear at any of the ſaid muſters armed, and with powder and ball, as by this act directed, and return the ſame, with the names of all officers who ſhall be abſent, to the next court-martial: And every captain ſhall have power to appoint a clerk to his company, who ſhall be ſworn by ſuch captain, well and truly to execute his ſaid office; and ſuch clerk ſhall keep the muſter roll, and attend all muſters with the ſame, and be exempted from muſtering, but ſhall appear with arms and powder and ball, as before directed, at all ſuch muſters.

XIV. The lieutenant, or other chief officer of the militia in the county, may order all ſoldiers therein, to go armed to their reſpective pariſh churches.

XV. The field officers and captains of every county, or the major part of them (of which the county-lieutenant, colonel, lieutenant-colonel, or major ſhall be one) ſhall meet at the court-houſe of their counties reſpectively, the day next following the general muſter in *September* or *October* every year, if fair; if not, the next fair day, then and there to hold a court-martial; which court may adjourn from day to day, and enquire of the age and abilities of all perſons inliſted, and exempt ſuch as they ſhall adjudge incapable of ſervice, and of all delinquents returned by the captains for abſence from muſters, or appearing without arms, powder or ball.

XVI. Where any perſon is returned a delinquent to a court-martial, and ſhall not be able to attend ſuch court through ſickneſs, or other diſability, to make his excuſe; the ſucceeding court-martial, upon a reaſonable excuſe then offered, may remit ſuch fine or fines levied by the preceding court-martial: And ſuch court may adminiſter an oath to any perſon for the better information in the premiſſes, and order the fines inflicted by this act, not otherwiſe directed, to be levied upon all delinquents who ſhall not make out ſome juſt excuſe for not performing their duty, and diſpoſe of all ſuch fines for buying drums and trophies,

for

for the use of the militia of the county, and for supplying them with arms.

XVII. The said courts shall keep a register of all their proceedings, and appoint a clerk for that purpose, and administer an oath to him, well and faithfully to execute his office, and allow him such salary out of the said fines as they shall think reasonable.

XVIII. The clerk of every such court shall make out copies of all their orders, and deliver the same within one month next following, to the sheriff of the county, who shall demand and receive the money therein charged, of the person made chargeable therewith; and in case of non-payment, on, or before the tenth day of *April* then next following, shall levy the same, by distress and sale of the goods of the person refusing, according to the direction of the laws now in force, enabling the sale of goods distrained for rent.

XIX. Where any delinquent shall remove out of the county, before he hath paid the fines laid on him in pursuance of this act, and shall not have sufficient effects in the county to satisfy the same, the said clerk shall send copies of the said courts orders against such delinquents, to the sheriff of the county where they removed to: Which sheriff shall collect, levy and account for the same in manner herein before directed.

XX. The lieutenant of any county, or the chief commanding officer there, failing to appoint a general muster in *March* or *April*, and another in *September* or *October* yearly, not having a reasonable excuse, shall, for every such failure, forfeit and pay twenty pounds.

XXI. Every county-lieutenant, colonel, lieutenant-colonel and major, failing to appear at such general muster, or at the court martial, shall forfeit and pay ten pounds for every such failure.

XXII. Every captain who shall fail to muster and exercise his company four times a year, or oftener if required, shall forfeit and pay forty shillings for every time he shall so fail to muster and exercise his company.

XXIII. Every captain failing to appear at every general muſter and court-martial, ſhall forfeit and pay five pounds.

XXIV. Every lieutenant who ſhall fail to appear at any muſter ſhall forfeit and pay twenty ſhillings: And every enſign ten ſhillings.

XXV. Every captain, or in his abſence the lieutenant, failing to return a liſt of the perſons who ſhall not appear at muſters, or ſhall appear without arms, powder, and ball, ſhall forfeit and pay ten pounds.

XXVI. Every clerk failing to appear with arms, powder, and ball ſhall pay ten ſhillings.

XXVII. Every ſoldier refuſing to ſerve as a ſerjeant, corporal, or drummer, being thereto required by his captain, ſhall pay five ſhillings for every muſter he ſhall refuſe.

XXVIII. Every ſoldier appearing at muſter without a firelock well fixed, and bayonet fitted to the ſame, ſhall pay three ſhillings; and for appearing at muſter without a double cartouch box, ſhall pay one ſhilling, and without three charges of powder, ſhall pay two ſhillings; and failling to appear at muſter, ſhall pay ten ſhillings for every ſuch failure.

XXIX. Provided, No perſon be fined above ſix times in the year for any particular default.

XXX. Every ſoldier ordered to go armed to church, neglecting ſo to do, ſhall pay five ſhillings.

XXXI. Every clerk of a court-martial failing to deliver the orders of the court-martial to the ſheriff or ſheriffs, within the time before limited, ſhall forfeit and pay fifty pounds.

XXXII. Every officer of the militia, ſhall, at all times that he acts on duty, at any private or general muſter, appear well armed in the following manner: Every county-lieutenant, colonel, lieutenant-colonel and major with a ſword; and every captain and lieutenant with a fire-lock and a ſword; and every enſign with a cutting ſword: Every corporal and ſerjeant with a cutting ſword and a halbert, under the penalty of ten ſhillings, for every time that every ſuch officer ſhall appear without ſuch arms. All which fines ſhall be levied by the court-martial, and be appro-

appropriated to the ſame uſes as is before directed for the appropriation of the fines levied on the ſoldiers of the militia appearing unarmed.

XXXIII. Provided, Every ſuch officer ſhall be allowed twelve months after his promotion for furniſhing ſuch arms; but in the mean time, ſhall appear with ſuch of the ſaid arms as he already hath.

XXXIV. The ſame fines and penalties ſhall be paid by the officers and ſoldiers of the militia in the city of *Williamſburg*, and borough of *Norfolk*, for failing, or refuſal to do and perform the ſeveral ſervices, and to appear armed, and with powder, in the ſame manner as is hereby required of the officers and ſoldiers of the militia of the ſeveral counties.

XXXV. Provided, Each ſoldier, not already enliſted, be allowed twelve months to provide himſelf with arms and ammunition, according to this act, and be not fined for appearing without, or not having the ſame at his place of abode, until he hath been enliſted twelve months as aforeſaid, ſo as he do appear at all muſters, during the ſaid twelve months, with ſuch arms as he hath.

XXXVI. If any ſoldier ſhall appear at any muſter not armed, and with ammunition, according to this act, the captain of the company to which ſuch ſoldier belongs, may examine him upon oath, whether he hath any, and what arms and amunition of his own property; and if, on ſuch examination, it ſhall appear that ſuch ſoldier hath any arms and ammunition, and hath not brought the ſame, or ſo much thereof as this act requires, to ſuch muſter, he ſhall be liable to the penalties inflicted by this act.

XXXVII. Where any perſon inliſted, purſuant to this act, in any county, ſhall remove to another county, the time for furniſhing himſelf with arms and ammunition, ſhall commence from the time of his being firſt inliſted in the county from whence he removed.

XXXVIII. The arms and ammunition provided and kept in purſuance of this act ſhall be free, and exempted from being impreſſed upon any account whatſoever, and from being ſeized or

taken by any manner of diſtreſs, attachment, or writ of execution: And every diſtreſs, ſeizure or execution, made, or ſerved thereon, ſhall be unlawful and void; and the officer or perſon making the ſame, ſhall be liable to the ſuit of the party grieved, wherein double damages ſhall be given upon a recovery.

XXXIX. Every perſon going to, attending at, or returning from muſter, ſhall be privileged, and exempted from arreſts, and from being ſerved with any other proceſs in any civil action or ſuit.

XL. If any exempted overſeer or miller, appears at any muſter, or in any muſter-field, on the day of muſter, he ſhall, for every ſuch offence, forfeit and pay twenty ſhillings; to be aſſeſſed upon him by the next court-martial, upon a certificate of the captain, or chief officer preſent at ſuch muſter, or the information on oath of any perſon whatſoever; and levied, accounted for, and appropriated in the ſame manner, as the other fines ordered by the court-martial.

XLI. The fines and penalties incurred by infants and ſervants, for the breach or neglect of their duty, in any particular ſervice by this act required of them, ſhall be paid by the parent, guardian, or maſter, reſpectively.

XLII. If the breach, or neglect of ſuch ſervants, is not occaſioned by their maſter's influence or direction, ſuch fines ſhall be repaid to the maſter, by the ſervice of ſuch ſervant after the time he is bound to ſerve is expired, which ſhall be determined by the county court, or court of *Huſtings* in *Williamſburg*, or *Norfolk*, upon ſuch maſters complaint.

XLIII. If any ſheriff ſhall refuſe to receive the orders of any court-martial offered to him, or to collect and levy the fines herein mentioned, ſuch ſheriff, upon a motion and complaint thereof made to the county or general court, ſhall be fined one hundred pounds, to be appropriated in the ſame manner as the other fines laſt mentioned.

XL. If any ſheriff ſhall take upon him ſuch collection, or receiving the ſaid orders, ſhall fail to account for, and pay what he ſhall have received by virtue thereof to the receiver, to be appoint-

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ed for that purpoſe by the court-martial, deducting ſix *per cent.* for his commiſſion, upon a motion or complaint by the ſaid receiver, or the commanding officer of the militia to the county or general court; ſuch court ſhall give judgment, and award execution againſt ſuch ſheriff, his executors or adminiſtrators for the ſame; provided, ſuch ſheriff, his executors or adminiſtrators, have ten days previous notice of ſuch motion.

XLV. If any receiver hath failed, or ſhall fail to account with the court-martial, when required, or to apply the money by him received, as directed by the court-martial; upon a motion to the county court, or court of *Huſtings* in *Williamſburg*, or *Norfolk*, by any officer of the militia, againſt ſuch receiver, ſuch court ſhall give judgment, and award execution againſt him, his executors or adminiſtrators, for the ſame, and cauſe the money to be appropriated to the uſes directed by the court-martial; provided, ſuch receiver, his executors or adminiſtrators, have ten days previous notice of ſuch motion.

XLVI. If any ſheriff hath heretofore failed to account for, and pay all militia fines collected by him; upon a motion or complaint by the receiver, or commanding officer of the militia of the county, to the general or county court, ſuch court ſhall give judgment, and award execution againſt ſuch ſheriff, his executors or adminiſtrators, for the ſame; provided, notice be given to ſuch ſheriff, his executors or adminiſtrators as aforeſaid.

XLVII. Every commiſſion officer in the militia ſhall, before he acts under any ſuch commiſſion in the court of his county, take the oaths appointed by law to be taken, inſtead of the oaths of allegiance and ſupremacy, the abjuration oath, and ſubſcribe the ſame, with the teſt: And every county-lieutenant, colonel, lieutenant-colonel, major, and captain, at the time of holding every court-martial; before they hold the ſame, ſhall take the following oath, which ſhall firſt be taken by the preſiding officer then preſent, and then be by him adminiſtered to the reſt of the officers, *to wit.*

I A. B.

I A. B. do ſwear, *That I will do equal right and juſtice to all men, according to the act of aſſembly,* For the better regulating and diſcipling the militia.

XLVIII. Every perſon accepting a commiſſion in the militia, who ſhall neglect or refuſe to take and ſubſcribe the oaths and teſt before-mentioned, within three months after receiving his commiſſion, ſhall pay five pounds.

XLIX. The fine by this act impoſed on the lieutenant, or chief commanding officer of the militia, for neglecting to order general muſters, ſhall be, one moiety to the informer, and the other for the uſe of the county, for providing arms; and may be recovered with coſts, by action of debt or information, in any court of record.

L. If there be no court-martial held, the penalties inflicted upon the officers not attending ſuch court-martial, or the general muſter, ſhall be recovered againſt the officers failing to attend or appear, and collected in the ſame manner as herein before directed, for recovering and collecting the fines and penalties laid on officers failing to appoint general muſters.

LI. Every adjutant for the time being, with one ſervant, and their horſes, ſhall be exempt from the payment of ferriages at all public, and other ferries; and the reſpective ferry-keepers ſhall give them, and their ſervants and horſes immediate paſſage, as in the caſe of public expreſs.

LII. All and every other act and acts, for the ſettlement and regulation of the militia, or any other matter or thing, within the purview of this act, is hereby repealed and made void.

LIII. Provided, The militia ſhall continue on the eſtabliſhment made by the act of 29 *Geo.* II. intituled, *An act for the better regulating and training the militia,* until they are inliſted, according to the directions of this act; and the ſeveral penalties incurred by any offender or delinquent againſt the ſaid act, ſhall be enquired into, and the fines aſſeſſed by the court-martial, appointed to be held in purſuance of this act; and all ſuch fines ſhall be levied, appropriated and accounted for, in the ſame manner

ner as herein before directed for any other fines. And the several county courts may levy the charges and expences for all such arms as have been by them purchased, or sent for to *Great-Britain*, by the directions of the said act.

LIV. Nothing in this act shall oblige the inhabitants of *Williamsburg*, and *Norfolk*, to muster and serve in the militia out of the said city or borough; but such inhabitants shall be inlisted, and trained as directed by the acts of 9 *Geo.* I. *cap.* 10. and 12 *Geo.* II. *cap.* 22. the first of which acts directs, "That the inhabitants "of *Williamsburg* shall be listed and trained, according to the "laws of this colony, under the command of one or more of "the principal inhabitants of the said city, thereunto commissi"oned by the governor, or commander in chief, and shall not "be compelled to go out of the said city on any military service, "without the express order of the governor, or commander in "chief, or in his absence, of the mayor, recorder, and aldermen "of the said city, or the major part of them." And the last of the said acts directs, "That the inhabitants of *Norfolk*, shall be "listed and trained within the said borough, or the limits there"of, according to the laws of this colony, under the command "of such person or persons as shall be appointed for that pur"pose by the governor, or commander in chief; and shall not "be compelled to go out of the said borough on any military "service, without the express order of the governor, or com"mander in chief, or in case of any invasion or insurrection, "without the express order of the lieutenant of the county of "*Norfolk*."

LV. From and after passing this act, the colonel, major, and captains of the militia of *Williamsburg*, and *Norfolk*, or the major part of them, whereof the colonel, or major shall be one, shall hold a court-martial, at the court-houses of the said city and borough, in the same manner, and for the same purposes, as the courts martial are by this act directed, and appointed to be held in the counties.

LVI. The colonel, or chief commanding officer of the said city or borough, shall not inlist in the militia of the said city or borough,

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rough, any perſons that are officers of the militia in the counties where the ſaid city and borough lie.

LVII. The chief officer of the militia in every county ſhall, ſometime before the tenth day of *June* yearly, appoint an officer, and ſo many men of the militia, as ſo him ſhall appear neceſſary, not exceeding four, once in every month, or oftener, if required by ſuch chief officer, to patrol and viſit all *Negro* quarters, and all other places ſuſpected of entertaining unlawful aſſemblies of ſlaves, ſervants, and other diſorderly perſons unlawfully aſſembled, or any other ſtrolling about from one plantation to another, without a paſs from his or her maſter, miſtreſs or overſeer, and to carry them before the next juſtice, who, if he ſhall ſee cauſe, ſhall order every ſuch ſlave, ſervant, ſtroller, or other diſorderly perſon any number of laſhes, not exceeding twenty: And if one company of patrollers ſhall not be ſufficient, ſhall order more companies for the ſame ſervice.

LVIII. After every patrol the officer of ſuch party, ſhall return to the captain of the company to which he belongs, a report in writing, upon oath (which oath ſuch captain may adminiſter) of the names of thoſe of his party who were upon duty, and of the proceedings in ſuch patrol; and each captain ſhall once in every month deliver ſuch patrol returns to the county-lieutenant, or other chief commanding officer in his county, by whom they ſhall be certified and delivered to the next court-martial: and if they ſhall adjudge the patrollers have performed their duty according to law, the chief officer ſhall certify the ſame to the county court, who ſhall, at their next county levy, allow to and levy for each of the patrollers, ten pounds of tobacco for every day or night they ſhall ſo patrol; and ſuch patrollers ſhall alſo be exempt from the payment of public, county and pariſh levies, for their own perſons, for thoſe years in which they ſhall be employed in that ſervice.

LIX. If the chief officer of the militia ſhall fail to appoint patrollers, he ſhall forfeit and pay five pounds: And every perſon appointed to patrol, failing to do his duty, ſhall forfeit and pay five ſhillings for every ſuch failure: Which fines ſhall be laid by the

the court-martial of the county; and be levied, accounted for, and appropriated as herein before directed for levying, accounting for, and appropriating the several fines and penalties herein before laid.

LX. The chief officer of the militia in *Williamsburg*, and *Norfolk*, shall appoint all the persons of their militia to patrol within the said city and borough, or within half a mile of the limits thereof, by turns in such numbers, and at such times as they shall think necessary: Which officers and patrollers shall be subject to the same fines and penalties; and to be recovered and appropriated, as herein before directed in the case of patrollers in the counties.

LXI. If any action shall be brought against any patroller, for any thing done by him in the execution of his duty, he may plead the general issue, and give the special matter in evidence upon the trial; and if judgment be given for the defendant, or if the plaintiff shall be nonsuit, or discontinue his suit, the defendant shall recover treble costs.

LXII. This act shall commence, and be in force, from and after the passing thereof, for three years.

MINISTERS.

13 *Car.* II. (1661) *cap.* 4.

§ I. FOR the preservation of purity and unity of doctrine and discipline in the church, and the right administration of the sacraments, no minister shall be admitted to officiate in this country, but such as shall produce to the governor a testimonial, that he hath received his ordination from some bishop in *England*; and shall then subscribe to be conformable to the orders and constitutions of the church of *England*, and the laws there established: upon which the governor is hereby requested, to induct the said minister into any parish that shall make presentation of him. And if any other person, pretending himself a minister, shall, contrary to this act, presume to teach or preach publickly or privately, the governor and council are hereby required and

impowered to ſuſpend or ſilence the perſon ſo offending; and upon his obſtinate perſiſtance, to compel him to depart the country, with the firſt convenience, as it hath been formerly provided by the 77 act, made at *James' City*, the ſecond day of *March*, 1642.

II. 13 *Car*. II. (1661) *cap*. 6. That the canons ſet down in the liturgy of the church of *England*, for celebrating divine ſervice, and adminiſtration of the ſacraments, be duly obſerved and kept; and that the whole liturgy, according to the ſaid injunctions, be, by the miniſter or reader, at church and chapel, every ſunday thoroughly read.

III. 13 *Car*. II. (1661) *cap*. 7. That neither miniſter nor reader teach any other catechiſm, than that by the canons appointed and inſerted in the book of common-prayer; and that the miniſter expound no other than that, that our fundamentals at leaſt may be well laid; and that no reader, upon preſumption of his own ablilities, do attempt the expounding that, or any other catechiſm, or the ſcriptures.

IV. 13 *Car*. II. (1661) *cap*. 8. That the miniſter of every pariſh preach conſtantly every ſunday, *viz*. One ſunday in a month at each chapel of eaſe in his pariſh, if there be any, and the other in his pariſh church; and that twice a year, at leaſt, he adminiſter the ſacrament of the Lord's Supper there.

V. 4 *Ann*, (1705) *cap*. 30. *ſect*. 10. This act for ſuppreſſing of vice ſhall be publickly read in every pariſh church and chapel by the miniſter, clerk, or reader, immediately after divine ſervice, on the firſt or ſecond ſundays in *April* and *September*, yearly, under the penalty of twenty ſhillings for every omiſſion; and the church-wardens ſhall provide a copy thereof at the pariſh charge.

VI. *Sect*. 11. Provided, Nothing in this act ſhall be conſtrued to exempt any clergyman, guilty of any of the crimes herein mentioned, from ſuch further puniſhment as might have been inflicted on him for the ſame, before making this act.

VII. 9 *Ann*, (1710) *cap*. 12. *ſect*. 3. This act, to prevent the deſtroying and murdering of baſtard children, ſhall be read yearly, on ſome ſunday in *May*, in every church and chapel by the

the miniſter or reader, immediately after divine ſervice, under the penalty of five hundred pounds of tobacco for every omiſſion; to be recovered with coſts by the informer, in an action of caſe: And the church-wardens of every pariſh ſhall provide a copy of this act at the pariſh charge, under the penalty of five hundred pounds of tobacco; to be recovered in manner aforeſaid.

VIII. 22 *Geo*. II. (1748) *cap*. 34. *ſect*. 1. Every miniſter now or hereafter to be preferred or received into any pariſh, ſhall have an annual ſalary of ſixteen thouſand pounds of tobacco and caſk, with an allowance of four *per cent*. for ſhrinkage; to be levied and paid as directed, title *Levies*, ſect. 3.

IX. *Sect*. 3. Where any pariſh is, or becomes vacant, by the death or removal of the miniſter, the veſtry may levy the ſalary aforeſaid, or any part thereof, for ſatisfying ſome miniſter or miniſters for ſerving in the cure of ſuch pariſh during the vacancy.

X. *Sect*. 6. Every miniſter received into any pariſh as aforeſaid, ſhall be entitled to all the ſpiritual and temporal benefits of his pariſh, and may maintain an action of treſpaſs againſt any perſon whatſoever, who ſhall diſturb him in the poſſeſſion and enjoyment thereof.

MISSISSIPPI.

27 *Geo*. II. (1753) *cap*. 6.

§ I. ALL perſons being proteſtants, who have already ſettled or ſhall hereafter ſettle, and reſide on any lands, ſituate to the weſtward of the ridge of mountains that divides the rivers *Roanoke*, *James* and *Potowmack* from the *Miſſiſſippi*, in the county of *Auguſta*, ſhall be exempted from the payment of all public, county and pariſh levies, for the term of fifteen years next following.

MURDER.

9 *Ann*, (1710) *cap.* 12.

§ I. IF any woman, not being a slave, be delivered of any issue of her body, which being born alive, should by law be a bastard, and endeavours privately by drowning, secret burying, or any other way by herself, or the procuring of others, so to conceal the death thereof, that it may not come to light, whether it was born alive or not; the mother so offending shall suffer death, as in case of murder, except she can make proof by one witness, at least, that the child (whose death was by her so intended to be concealed) was born dead.

NONSUIT.

22 *Geo.* II. (1748) *cap.* 7. *sect.* 19.

§ I. UPON every nonsuit in the county court five shillings shall be paid, besides costs of suit.

II. 27 *Geo.* II. (1753) *cap.* 1. *sect.* 24. In the general court one hundred and fifty pounds of tobacco and costs, where the defendant lives twenty miles or less from the place of holding the general court, and where it is more, five pounds of tobacco for every mile above twenty, shall be paid in case of nonsuit.

NORTHERN NECK.

10 *Geo.* II. (1736) *cap.* 13. *sect.* 14.

§ I. ALL and every grant and grants, heretofore duly and regularly made, and passed by any of the agents or attornies of the proprietors of the *Northern Neck* in *Virginia*, or any of them, shall be good and available, and binding in law, to pass such estate or estates as therein have been granted, and the grantees, their heirs and assigns respectively, shall, for ever hereafter peaceably and quietly, have, hold, and enjoy the same granted premises, according to such granted estate, under the rents

and

and ſervices by the ſaid grants reſerved, notwithſtanding the infancy, coverture, or any miſpriſion or miſtake of the names, dignity, or titles of the ſaid proprietors, or either of them, ſo as the ſame have been made and ſigned by the agents or attornies of the ſaid proprietors, or the huſband, guardian, or guardian's truſtee or truſtees of any of them, and paſſed under the common ſeal of the office kept by them for that purpoſe.

II. 22 *Geo.* II, (1748) *cap.* 55. *ſect.* 2. All grants and patents whatſoever under the colony ſeal, for lands within the boundaries of the *Northern Neck* as now ſettled, heretofore granted by the crown, ſhall be held valid and effectual, and the adventurers and planters to whom the ſame were granted, their heirs and aſſigns, ſhall for ever hold the ſame, under the rents and ſervices in the ſaid grants reſerved; to be paid and performed to *Thomas* lord *Fairfax*, his heirs and aſſigns for ever, any miſrecital or defect in the ſaid grants notwithſtanding,

ORDINARIES.

22 *Geo.* II. (1748) *cap.* 30.

§ I. EVERY perſon intending to ſet up, or keep an ordinary, ſhall petition the court of that county where ſuch ordinary is intended to be kept: The juſtices of which court ſhall conſider the convenience of the place propoſed, and the ability of the petitioner to keep good and ſufficient houſes, lodging, and entertainment for travellers, their ſervants and horſes; but ſhall not, under pretence of keeping any poor perſon from being chargeable to the pariſh, licenſe any ſuch perſon to ſell liquors, to the prejudice of the neighbouring inhabitants. And if ſuch petition ſeems reaſonable, the court may grant the petitioner a licence to keep ordinary, for one year next enſuing the date of ſuch licence, and from thence to the next court held for the ſame county, and no longer: Which licence ſhall be ſigned by the firſt juſtice ſworn in commiſſion of the peace for the ſaid county, and may, upon petition, be renewed from year to year, if the court thinks fit,

II, Pro-

II. Provided, That before issuing such licence, the court shall cause the petitioner to enter into bond with sufficient security to the effect following.

KNOW *all men by these presents, That we,* A. B. *and* C. D. *are held and firmly bound unto our sovereign lord* George *the second, by the grace of God, of* Great-Britain, France, *and* Ireland, *king, defender of the faith,* &c. *in the sum of fifty pounds current money: To which, payment well and truly to be made, to our said sovereign lord the king, his heirs and successors, we bind ourselves, and every of us, our, and every of our heirs, executors and administrators, jointly and severally, by these presents. Witness our hands and seals, this day of*

THE condition of this obligation is, That whereas the above bound *A. B.* hath obtained a licence to keep an ordinary at in the county of if therefore the said *A. B.* doth constantly find and provide in his said ordinary, good, wholesome and cleanly lodging and diet for travellers, and stablage, fodder and provender, or pasturage and provender, as the season shall require, for their horses, for and during the term of one year, from the day of the date of these presents, and from thence until the next court held for the said county of and shall not suffer or permit any unlawful gaming in his house; nor on the sabbath day, suffer any person to tipple, or drink any more than is necessary: Then this obligation to be void; or otherwise to remain in full force.

III. Every person before obtaining such licence, shall pay thirty five shillings current money, for the use of the governor or commander in chief.

IV. The justices of each county shall, annually, in *March* court, or if no court be then held, at their next succeeding court, set the rates and prices to be paid at ordinaries for liquors, diet, lodging, provender, stablage, and fodder, and pasturage; upon penalty of forfeiting twenty five pounds current money.

V. Eve-

V. Every ordinary-keeper ſhall, within one month after the rates ſo ſet, obtain of the clerk of the court, a fair table of the ſaid rates, and openly ſet up the ſame in the public entertaining room, there to be conſtantly kept, until the rates be again ſet by the court; and then a copy thereof ſhall be again ſo obtained and kept from time to time, under the penalty of ten pounds current money.

VI. If any ordinary-keeper demands, and takes greater prices for any drink, diet, lodging, fodder, provender, or paſturage, than allowed by ſuch rates, he or ſhe ſhall, for every ſuch offence, forfeit ten ſhillings to the informer; to be recovered with coſts before a juſtice of that county.

VII. Any perſon keeping a tippling-houſe, or retailing liquors, or ſelling by retail any wine, beer, cyder, brandy, rum, or other ſpirits, or any mixture of ſuch liquors, in any houſe, booth, arbour, ſtall, or other place whatſoever, without licence firſt obobtained as aforeſaid, ſhall forfeit and pay ten pounds current money; or on failure of preſent payment, or ſecurity for payment within ſix months, ſhall, by order of the court, before whom convicted, receive twenty one laſhes, well laid on, at the public whipping poſt.

VIII. Provided, Nothing herein ſhall be conſtrued to reſtrain any merchant, or perſon keeping ſtore for ſale of merchandize from retailing liquors, ſo as ſuch liquors be not drunk, or intended to be drunk at the houſe, ſtore, or plantation where the ſame are ſold.

IX. If any ordinary-keeper ſhall permit in his houſe unlawful gaming, or ſuffer any perſon on the Lord's-day, or any other day ſet a-part by authority for religious worſhip, to tipple or drink more than is neceſſary, or ſhall harbour or entertain any ſeaman or ſervant, contrary to this act; any two juſtices (*quorum unus*) on their own view and knowledge, or upon information and oath of one or more credible witneſſes, may ſuppreſs ſuch ordinary until the next court: And upon certificate made by the ſaid two juſtices of the ſaid offence, and further enquiry, the court may diſable the offender from keeping an ordinary after, until they

think

think fit to grant him a new licence, or reſtore him to keep ordinary upon the former licence, as they ſee cauſe: And if any ordinary-keeper ſells or retails any liquors after he hath been ſuppreſſed by two juſtices, and before he be reſtored by the court, he ſhall be liable to all the penalties hereby laid for ſelling liquors without licence.

X. If any ordinary-keeper ſhall ſell drink to any ſailor in actual pay on board any ſhip, for any value whatſoever, upon credit; or if he or any other perſon ſhall ſell any liquors by retail exceeding twenty ſhillings current money, or the value thereof in any one year to any perſon upon credit: Or if any ordinary-keeper ſhall take obligation, or other ſpecialty, for any ſum or quantity of tobacco whatſoever for liquors retailed or ſold upon credit, he or ſhe ſhall not recover any money, tobacco, or other commodity for liquors ſo ſold upon credit, but every ſuch debt, obligation, or ſpecialty ſhall be void: And if any warrant, petition, writ, or bill be ſued forth, or exhibited againſt any perſon for the ſame, ſuch warrant, petition, writ, or bill ſhall be diſmiſſed, and the defendant ſhall have double coſts.

XI. If any ordinary-keeper ſells any liquor upon credit to any ſailor in actual pay on board any veſſel, or harbours, entertains, or ſells drink to any ſuch ſailor, without licence from the maſter of the veſſel to which the ſailor belongs, ſuch ordinary-keeper ſhall, for every ſuch offence, forfeit ten ſhillings to the maſter of the veſſel; to be recovered with coſts before any juſtice of the county where ſuch ordinary-keeper lives.

XII. Provided, This act ſhall not extend to the ordinary-keepers of *Williamſburg*, giving credit to any perſon whatſoever, during the times of general aſſemblies, or courts of juſtice.

XIII. The court of *Huſtings* ſhall have the ſole power of granting licences to ordinary keepers within *Williamſburg*, provided they be granted in the manner by this act directed: And the juſtices of the ſame court ſhall have the ſame powers and authothorities to granting licences, and regulating, and ſuppreſſing ordinaries, as the juſtices of any county court.

XIV. All

XIV. All penalties and forfeitures, not hereby appropriated, ſhall be, one moiety to the king, the other to the informer; recoverable with coſts in any court of record, having legal cognizance thereof.

ORPHANS.

22 *Geo.* II. (1748) *cap.* 4.

§ I. WHERE any perſon hath any child or children under age, and not married at the time of his death, the father of ſuch child, *&c.* whether then born, or in *ventre ſa mere*; or whether ſuch father be within age, or of full age, may, by deed executed in his life-time, or by his laſt will in writing, in preſence of two or more credible witneſſes, diſpoſe of the cuſtody and tuition of ſuch child, *&c.* during nonage, or any leſs time, to any perſon or perſons in poſſeſſion or remainder, other than Popiſh recuſants. And ſuch diſpoſition ſhall be good againſt all perſons claiming the cuſtody of ſuch child, *&c.* as guardian in ſoccage, or otherwiſe. And ſuch perſon to whom ſuch cuſtody ſhall be diſpoſed or deviſed, may maintain an action of raviſhment of ward or treſpaſs, againſt any perſon who ſhall wrongfully take or detain ſuch child, *&c.* and ſhall recover damages for the ſame, to the uſe of ſuch child or children.

II. Such perſon to whom ſuch cuſtody ſhall be diſpoſed or deviſed, ſhall, and may take into cuſtody, to the uſe of ſuch child, the profits of all lands, tenements, and hereditaments; and the cuſtody and management of the ſlaves and perſonal eſtate of ſuch child, till full age, or any leſs time, according to ſuch diſpoſition aforeſaid; and may bring ſuch actions in relation thereunto, as by law, a guardian in common ſoccage might do.

III. Provided, This act ſhall not extend to diſcharge any apprentice from his apprenticeſhip; nor to take away the power of the general court, or any county court, upon complaint of ſuch guardian's abuſing the truſt repoſed in him, by miſuſing the children under his tuition, or neglecting the care of his or her education, ſuitable to his or her eſtate, or waſting, converting to his

own uſe, or otherwiſe miſmanaging the eſtate; to make ſuch orders and decrees for ſecuring the eſtate, and for the better education and uſage of ſuch orphans, as they ſhall judge neceſſary.

IV. The general court, and the ſeveral county courts ſhall have full power to take cognizance of all matters concerning orphans and their eſtates; and to appoint guardians in ſuch caſes where it appears neceſſary, and ſhall take good ſecurity of all guardians appointed by them for the eſtates of the orphans committed to them.

V. If any county court ſhall commit an orphan's ſtate to the guardianſhip of any perſon, without taking good and ſufficient ſecurity for the ſame; the juſtices appointing ſuch guardian, or committing ſuch eſtate, and every of them, ſhall be liable for loſs and damage ſuſtained by the orphan, for want of ſuch ſecurity; to be recovered with coſts, by action at the common law, in any court of record, at the ſuit of the party grieved.

VI. Provided, When the ſecurities were good at the time of their being taken, but afterwards become inſolvent, in ſuch caſe the juſtices ſhall not be liable.

VII. The guardian of any orphan, appointed by the general court, or any county court, ſhall, at the next court after ſuch appointment, exhibit an account, upon oath, of all the eſtate of ſuch orphan which he ſhall have received, to be entered by the clerk in a book to be kept for that purpoſe only: And when ſuch court ſhall know, or be informed that any ſuch guardian waſtes, or in any manner miſmanages ſuch orphan's eſtate, or does not take due care of the education and maintenance of ſuch orphan, according to his degree and circumſtances; or where ſuch guardian, or his ſecurities, are likely to become inſolvent: Such court may make ſuch orders and rules, for the better managing and ſecuring ſuch eſtate, and educating and maintaining ſuch orphan, or appoint another guardian as they ſhall think fit.

VIII. Every guardian ſhall yearly, at *Auguſt* court, or if no court then held, at the next ſucceeding court, exhibit ſuch account as aforeſaid: And the juſtices of every county court, ſhall

yearly at the ſame court, examine all guardians accounts ſo exhibited, and direct proceſs to iſſue, returnable to their next court, againſt all guardians then failing to appear, and render ſuch account, whether ſuch guardian be reſident in the ſame or any other county; and ſhall then alſo enquire into the abuſes and miſmanagement of guardians, and whether they or their ſecurities are likely to become inſolvent; and thereupon to proceed according to the power in this act before given. And the juſtices of every county court failing or neglecting their duty herein, ſhall forfeit five thouſand pounds of tobacco; half to the king for the uſe of the county, and the other half to the informer; to be recovered by action of debt or information, in any court of record.

IX. Provided, Nothing herein ſhall be conſtrued to reſtrain the power of the ſeveral county courts to enquire, as often as they ſhall think proper, into the abuſes and miſmanagements of guardians, but they may exerciſe ſuch power, at any time when it ſhall appear neceſſary.

X. Such guardian may charge in ſuch account all reaſonable diſburſements and expences: And if, upon ſuch account, it ſhall appear to the court, that ſuch guardian hath really, and *bona fide* diſburſed more than the profits of ſuch orphan's eſtate, for his education and maintenance, ſuch guardian ſhall be allowed and paid for the ſame, out of the profits of ſuch orphan's eſtate in any other year during his or her guardianſhip.

XI. Provided, Such diſburſements be ſuitable to the degree and circumſtances of the eſtate of ſuch orphan.

XII. If any perſon, ſecurity for the eſtate of any orphan, conceives himſelf in danger thereby, and petitions the court where ſuch ſecurity was entered for relief, ſuch court may order ſummons to iſſue againſt the party for whom the petitioner ſtands bound, returnable to the next court, and thereupon compel ſuch party to give ſufficient, other, or counter ſecurity, to be approved by the ſaid court, or to deliver up the eſtate to the petitioner, or ſuch other perſon as the court ſhall direct, or may make ſuch other order or decree therein for relief of the petitioner, and better ſecuring ſuch orphan's eſtate, as to them ſhall appear juſt.

XIII. Provided, Such court ſhall take ſufficient ſecurity of the perſon to whom ſuch eſtate ſhall be committed, in the like manner, and under the like penalty, as is by this act required to be taken of guardians appointed by the court: And every ſuch perſon ſhall alſo exhibit his account, and be ſubject to the rules and orders of the court, in the ſame manner as herein before required of guardians.

XIV. When any guardian, or perſon chargeable with the eſtate of any orphan, or with the eſtate of any perſon deceaſed, to him committed by any court of record, ſhall die ſo chargeable, his executors or adminiſtrators ſhall be compellable to pay out of his eſtate, ſo much as ſhall appear due to the eſtate of ſuch orphan, or perſon deceaſed, before any other or proper debt of ſuch teſtator or inteſtate.

OUTLAWRY.

27 *Geo.* II. (1753) *cap.* 1. *ſect.* 23.

§ I. WHERE the plaintiff will proceed to the outlawry of any defendant in any civil action, he may, upon the *pluries capias*, or *capias ad ſatisfaciendum*, returned *non eſt inventus*, ſue out, and the clerk of the general court, upon requeſt, ſhall iſſue an exigent and proclamation, returnable upon either of the return days appointed for proceſs, that ſuch defendant may be outlawed thereupon.

PAPISTS.

29 *Geo.* II. (1756) *cap.* 4.

§ I. ANY two or more juſtices who ſhall know or ſuſpect any perſon to be a Papiſt, or ſhall be informed that any perſon is, or is ſuſpected to be a Papiſt, ſhall tender to ſuch perſon, the oaths appointed by act of parliament to be taken inſtead of the oaths of allegiance and ſupremacy: And if ſuch perſon, ſo required, ſhall refuſe to take the ſaid oaths, and ſubſcribe the teſt, or ſhall refuſe, or forbear to appear before the ſaid juſtices,

for

for the taking the said oaths, and subscribing the test, upon notice to him given, or left at his usual place of abode, by any person authorized in that behalf; by warrant under the hands and seals of the said two justices, such person, shall, from thenceforth, be liable and subject to all the penalties, forfeitures, and disabilities in this act mentioned.

II. The said justices shall certify the name, sirname, and usual place of abode of every person, who, being required, shall refuse, or neglect to take the said oaths, and subscribe the said test, or to appear before them for that purpose; as also, of every person who shall take the said oaths, and subscribe the said test, at the next court to be held for their county; to be recovered by the clerk of the said court.

III. No Papist, or reputed Papist, so refusing or making default, shall keep in his house or elsewhere, or in the possession of any other person, to his use, or at his disposition, any arms, weapons, gun-powder, or ammunition (other than such necessary weapons as shall be allowed to him by order of the justices at their court, for the defence of his house or person.) And any two or more justices, by warrant under their hands and seals, may authorize any person or persons in the day time, with the assistance of the constables where the search shall be (who shall be aiding therein) to search for all arms, weapons, guns, powder or ammunition, in the house, custody, or possession of any such Papist, or reputed Papist, and seize the same for the use of this majesty, his heirs and successors: Which said justices shall, at the next court to be held for the county where such seisure shall be made, deliver the said arms, weapons, gun-powder, and ammunition in open court, for the use aforesaid.

IV. Every Papist, or reputed Papist, who shall not, within ten days after such refusal or default, discover, and deliver to some justice all arms, weapons, gun-powder, or ammunition, which he shall have in his house or elsewhere, or shall be in the possession of any person, to his use, or at his disposition, or shall hinder or disturb any person or persons, authorized by warrant under the hands and seals of any two justices, to search for, and

seize

ſeize the ſame, ſhall be committed to the county goal, there to remain, without bail or mainprize, three months; and ſhall forfeit the ſaid arms, and pay treble the value of them, to the uſe of his majeſty, his heirs and ſucceſſors, to be appraiſed by the juſtices at the next court to be held for the ſaid county.

V. Every perſon who ſhall conceal, or be privy, aiding or aſſiſting to the concealing, or who knowing thereof, ſhall not diſcover to ſome juſtice the arms, weapons, gun-powder or ammunition of any perſon refuſing or making default; or ſhall hinder or diſturb any perſon or perſons, authorized, as aforeſaid, in ſearching for, taking and ſeizing the ſame, ſhall be committed to the goal of the county where ſuch offence is committed, by warrant under the hands and ſeals of any two juſtices, there to remain, without bail or mainprize, three months; and ſhall alſo forfeit and pay treble the value of the ſaid arms to his majeſty and his ſucceſſors.

VI. If any perſon ſhall diſcover any concealed arms, weapons, gun-powder or ammunition, belonging to any perſon refuſing or making default as aforeſaid, ſo as the ſame may be ſeized as aforeſaid, the juſtices, upon delivery of the ſame at the county court as aforeſaid, ſhall, as a reward for ſuch diſcovery, by order of court, allow ſuch perſon a ſum of money to the value of the arms, weapons, ammunition or gun-powder ſo diſcovered; the ſaid ſum to be aſſeſſed by the judgment of the ſaid juſtices at their ſaid court, and levied by diſtreſs and ſale of the goods of the perſon offending againſt this act, rendering the overplus which ſhall ariſe by ſuch ſale, above the ſaid ſum ſo allowed, and above the neceſſary charges of taking ſuch diſtreſs, to the owner.

VII. Provided, If any perſon, who ſhall have refuſed or made default as aforeſaid, ſhall deſire to ſubmit and conform, and for that purpoſe preſent himſelf before the juſtices, at the court to be held for the county, where his refuſal or default ſhall be certified, and ſhall there, in open court, take the ſaid oaths, and ſubſcribe the teſt, he ſhall, from thenceforth, be diſcharged of all diſabilities and forfeitures which he might be liable to for the future, by reaſon of ſuch refuſal or default.

VIII. No

VIII. No Papist, or reputed Papist, refusing or making default as aforesaid, shall keep in his own possession, or any other persons, to his use, or at his disposition, any horse or horses, which shall be above the value of five pounds to be sold: And any two justices, by warrant under their hands and seals, may authorize any person or persons, with the assistance of the constable where the search shall be (who shall be aiding therein) to search for, and seize, for the use of his majesty and his successors, all such horses, which are hereby declared to be forfeited to his majesty and his successors.

IX. Any person who shall conceal, or be aiding in concealing any such horse or horses, belonging to any Papist, or reputed Papist, so refusing or making default as aforesaid, shall be committed to prison by such warrant as aforesaid, there to remain, without bail or mainprise, three months; and shall also forfeit and pay to his majesty and his successors treble the value of such horse or horses; which value is to be settled as aforesaid.

PARISH REGISTER.

12 *Ann*, (1713) *cap.* 4.

§ I. THE parent of every child born free, and the master, owner, or overseer of every child born a slave, shall, within twenty days after the birth of such child, give notice thereof in writing, with the names of the parents, or of the master or owner, distinguishing whether such child is male or female, to the minister of the parish where such child is born; and if no minister, to the clerk of the said parish, or of the church or chapel nearest the place of such birth; or such parent, master, owner, or overseer, neglecting or refusing so to do, shall forfeit two hundred pounds of tobacco for every offence.

II. The master or mistress of every family or house where any free person shall die, and the master, owner, or overseer of every slave dying, shall, within twenty days after such death, give notice thereof in writing, with the Christian and sirname of such free person, and the name of such slave, and his or her master or

owner,

owner, to the minister of the parish where such death happens; or if no minister, to the clerk of the said parish, or of the church or chapel nearest the place of such death; or such master and mistress of such house or family, and master, owner, and overseer, neglecting or refusing so to do, shall forfeit two hundred pounds of tobacco for every offence.

III. The minister of every parish shall keep a fair and exact register of all the births and deaths within his parish, of which notice is given him; as also, of all persons baptized by him: And the clerk of every parish church or chapel where there is no minister, shall keep such a register of the births and deaths of which notice is given him: In which register shall be expressed the names of the persons born free, and of their parents, the names of the persons baptized, of the masters or owners of slaves born, and whether they be male or female; and also, the names of all persons dying, with the names of the masters or owners of the persons dying in slavery. A fair copy of which register, signed by the ministers or clerks keeping the same, shall, on the twentieth day of *April* and *October* yearly, be returned to the secretary's office: For keeping and returning which register, the minister or clerk keeping the same, shall be paid three pounds of tobacco for every person so registered: The fee for registering the births and christnings of free persons, to be paid by the parent of the child; and for registering the births and deaths of slaves by the owner of such slaves; and for registering the death of free persons, by the person giving notice of such death; which several fees are hereby declared to be distrainable: And every minister or clerk refusing, or neglecting to keep or return such register, shall forfeit and pay two hundred pounds of tobacco for every month he shall neglect or refuse to keep or return the same.

IV. One moiety of all the forfeitures by this act inflicted, shall be to the use of the parish where the offender resides at the time of forfeiture, the other to the informer; and may be recovered before a justice of the peace.

V. This act shall be read in all parish churches and chapels, on some sunday in *March* and *September* yearly, immediately after divine

divine ſervice, by the miniſter, clerk, or reader of each pariſh, under the penalty of two hundred pounds of tobacco for every omiſſion or neglect; and the church-wardens of every pariſh ſhall provide a copy thereof at the pariſh charge, or ſhall forfeit five hundred pounds of tobacco each; one moiety of the ſaid forfeitures ſhall be to the uſe of the pariſh where they become due, the other to the informer.

PARISHES.

A Liſt of the ſeveral pariſhes in *Virginia*, ſhewing the counties they are in, the time of their creation, and the preſent incumbents.

N.	Pariſhes.	In what counties.	When erect.	Incumbents.
1	Abingdon	Glouceſter	——	William Yates
2	Accomack	Accomack	——	Arthur Emmerſon
3	Albemarle	Suſſex	1753	William Willie
4	Andrew St.	Brunſwick	1720	George Purdie
5	Ann St.	Albemarle	1744	John Ramſey
6	Ditto	Eſſex	1692	John Smelt
7	Antrim	Hallifax	1752	James Foulis
8	Auguſta	Auguſta	1738	John Jones
9	Bath	Dinwiddie	1752	James Paſteur
10	Bliſland	New Kent	——	Chicheley Thacker
11	Briſtol	Prince George	1702	Thomas Wilkinſon
12	Bromfield	Culpepper	1752	Adam Menzies
13	Brunſwick	King George	1732	Daniel M'Donald
14	Bruton	York	——	Hon. Tho. Dawſon
15	Cameron	Loudoun	1757	John Andrews
16	Charles	York	——	Thom. Warrington
17	Chriſt Church	Lancaſter	——	David Currie
18	Ditto	Middleſex	1675	Bartholomew Yates
19	Chuckatuck	Nanſemund	——	William Webb
20	Cople	Weſtmorland	——	Charles Roſe
21	Cornwall	Lunenburg	1757	——————
22	Cumberland	Lunenburg	1746	——————
23	Dale	Cheſterfield	1748	George Frazer

N.	Pariſhes.	In what counties.	When erect.	Incumbents.
24	David St.	King William	1744	Alexander White
25	Dettingen	Prince William	1744	James Scot
26	Dryſdale	Caroline	1727	Robert Innis
27	Elizabeth River	Norfolk	1691	Charles Smith
28	Frederick	Frederick	1738	John Gordon
29	Fredericksville	Louiſa	1742	James Maury
30	George St.	Spotſylvania	1720	James Marye
31	Hamilton	Prince William	1730	Jo. Brunſkill, junr.
32	Hampſhire	Hampſhire	1753	———
33	Hampton	Elizabeth City	——	William Fife
34	Hanover	King George	1720	———
35	Henrico	Henrico	——	Miles Selden
36	Hungars	Northampton	——	Henry Barlow
37	Jam. Northam St.	Goochland	1744	William Douglas
38	——Southam St.	Cumberland	1748	Robert M'Laurine
39	James City	James City	——	John Barclay
40	John St.	King William	1701	John Robertſon
41	Kingſton	Glouceſter	——	John Dixon
42	Linhaven	Princeſs Ann	1691	Robert Dickſon
43	Lunenburg	Richmond	1732	Joſeph Simpſon
44	Margaret St.	Caroline	1744	John Brunſkill
45	Mark St.	Culpepper	1748	John Thompſon
46	Martin St.	Hanover	1720	Robert Barrett
47	Martin's Brandon	Prince George	1720	Alexander Finnie
48	Mary St.	Caroline	1727	Muſgrave Dawſon
49	Mary W. Chapel St.	Lancaſter	——	David Currie, *v*. 17.
50	Meherin	Brunſwick	1753	John Naviſon
51	Newport	Iſle of Wight	1734	John Reid
52	Nottoway	Amelia	1748	William Proctor
53	Ditto	Southampton	1748	Thomas Burgeſs
54	Northſarnham	Richmond	1692	William Mackay
55	Overwharton	Stafford	——	John Moncure
56	Patrick St.	Prince Edward	1755	James Garden
57	Paul St.	Hanover	1720	Patrick Henry
58	Ditto	Stafford	——	William Stuart
59	Peter St.	New Kent	——	David Moſſom
60	Petſworth	Glouceſter	——	Robert Yates
61	Raleigh	Amelia	1734	———
62	Ruſſel	Bedford	1753	———

N. Pa-

N.	Pariſhes.	In what counties.	When erect.	Incumbent.
63	Southfarnham	Eſſex	1692	Alexander Cruden
64	Southwark	Surrey	——	Peter Davis
65	Stephen St.	King and Queen	1691	Hancock Dunbar
66	Ditto	Northumberland	——	Thomas Smith
67	Stratton Major	King and Queen	——	William Robinſon
68	Suffolk	Nanſemund	——	John Agnew
69	Thomas St.	Culpepper	1748	——
70	Tillotſon	Albemarle	1757	——
71	Truro	Fairfax	1742	Charles Green
72	Ware	Glouceſter	——	John Fox
73	Warwick	Warwick	——	Thomas Davis
74	Waſhington	Weſtmorland	——	Archbald Campbell
75	Weſtover	Charles City	——	William Davis
76	Wiccomoco	Northumberland	——	John Leland
77	Yorkhampton	York	——	John Camm.

PASSES.

4 *Ann*, (1705) *cap*. 12.

§ I. NO maſter of a veſſel, ſhall tranſport or carry any perſon out of this colony, without a licence or paſs ſigned by the ſecretary, or ſuch other perſon as he ſhall depute for that purpoſe, upon penalty of paying every debt and duty ſuch perſon, at going out of the colony, ſhall owe, or ſtand obliged for to the king, his heirs and ſucceſſors, or any inhabitant, merchant or trader here, by judgment, bill, bond, covenant, account, or any other ways or means whatſoever; to be recovered againſt ſuch maſter by action of debt, in any court of record.

II. No maſter of any veſſel ſhall tranſport any ſervant, or any *Negro*, *Mulatto*, *Indian*, or other ſlave, out of this colony, without the conſent or permiſſion of the owner of ſuch ſervant or ſlave, on penalty of forfeiting fifty pounds current money for every ſervant, and one hundred pounds current money for every ſlave ſo tranſported; one moiety to the king, the other to the owner; to be recovered, by action of debt or information, with

coſts, in any court of record; and ſuch maſter ſhall be moreover liable to the ſuit of the party grieved, at the common law, for his or her damages.

III. Any maſter of a veſſel offending againſt this act, ſhall be liable to be ſued at any time, for any debt due and owing from the perſon tranſported, and for any forfeiture and damages accruing, due from himſelf by virtue of this act. And when any ſuch ſuit ſhall be brought, the court may rule the defendant to give ſpecial bail if they ſee cauſe, and ſhall not allow him to plead in bar, or give in evidence any act or ſtatute of limitation.

IV. Every maſter of a veſſel, before he ſhall be cleared out hence, ſhall take the following oath, before the officers of the cuſtoms in the port where the veſſel rides.

I A. B. *maſter of the ſhip (or veſſel)* C. do ſwear, *That I will make diligent enquiry and ſearch in my ſaid ſhip (or veſſel) and will not knowingly or willingly carry, or ſuffer to be carried, in my ſaid ſhip (or veſſel) out of this dominion, without ſuch paſs as is directed by law, any perſon or perſons whatſoever, that I ſhall know to be removing hence, in order to defraud their creditors; nor any ſervant or ſlave that is not attending his or her maſter or owner.*

And every mate and boatſwain of a veſſel ſhall take an oath to the ſame effect; which oath the reſpective officers of the cuſtoms ſhall adminiſter.

Provided, The taking that oath ſhall not diſcharge ſuch maſter from any of the penalties to which he is liable by this act.

V. Any perſon, not being a ſervant or ſlave, forging or counterfeiting any paſs, in order to procure a tranſportation out of this colony, ſhall forfeit ten pounds current money; one moiety to the king, the other to the informer; recoverable by action of debt or information, in any county court, with coſts of ſuit; and ſhall ſtand in the pillory two hours on a court day, at the court-houſe of the county where convicted. And if any ſervant ſhall forge or counterfeit ſuch paſs, or uſe the ſame, knowing it to be ſuch, in order to eſcape out of this colony by land or water,

he

he or she shall stand in the pillory two hours as aforesaid, and receive thirty lashes on the bare back, well laid on, at the common whipping post.

VI. The secretary, or any deputy by him appointed, shall not grant any pass for transporting any person out of this colony unless bond with two sufficient sureties be given to the secretary, in the sum of two thousand pounds sterling, with condition to answer and pay every debt and duty such person, at going out of this colony, shall owe, or stand obliged for, by any ways or means whatsoever; or unless such person shall have published his or her intentions of going out of this colony three times at least in the *Virginia* Gazettee, or shall produce a certificate from a county court clerk, in the form following.

I A. B. *clerk of* *county court, do hereby certify, That* C. D. *is, and for some time past hath been, an inhabitant of this county, and hath published his intentions of going out of this colony, according to law.* *Dated*, &c.

VII. No county clerk shall issue such certificate, till ten days after publication hath been made in his county, of the said person's intention to go out of this colony, by a note thereof set up at the county court-house on a court day.

VIII. Notwithstanding such certificate, if a caveat be entered in the secretary's office to hinder a pass, and bond given with one sufficient surety, payable to the secretary for five hundred pounds, by the person entering such caveat, with condition to answer and pay all damages which the party stopped shall recover; the secretary, if the caveat is entered with him, or any of his deputies with whom such caveat is entered, shall not grant a pass, unless the party so stopped shall give counter bond, with one sufficient surety also, to the secretary, for double the sum claimed by the person entering the caveat, with condition to answer and pay whatever the said person shall recover of his pretended claim.

IX. Pro-

IX. Provided, The said sureties, and all other sureties for persons going out of this colony, after the expiration of two years from the time of their becoming such sureties, shall be discharged from all claims and demands whatsoever, for which no suit shall be commenced within that time.

X. The secretary, or his deputy, to whom any certificate for obtaining a pass shall be presented, shall file it in his office.

XI. The secretary shall appoint and keep in each district of the colony, at least one deputy, for granting passes to any person within the district; or on failure to appoint such deputies within two months after any vacancy, or on appointment to certify their names to the several county court clerks, shall forfeit fifty pounds current money for every such failure; one moiety to the king, the other to them that will sue for the same in any court of record.

XII. If any person desirous to go out of this colony, in order to obtain a pass, shall offer to give bond, with sufficient sureties, or produce a county court clerk's certificate, according to this act, and the secretary, or his deputy, shall refuse to grant a pass thereupon, unless caveat be entered according to this act; the secretary, or his deputy so refusing, shall forfeit five hundred pounds current money; one moiety to the king, and the other to the party grieved, prosecuting within twelve months next after such refusal; to be recovered with costs in any court of record, by action of debt.

XIII, Every county court clerk shall register in his office all certificates by him issued in pursuance of this act; and the secretary's deputies shall, in *October* general court yearly, return a list of all passes by each of them respectively issued the preceding year, to the secretary's office: And the clerk of such office shall register the same, as soon as they come to his hands, or in a reasonable time after: And if the secretary grants any pass himself, he shall cause the same to be registered in his office, within a year after granting it. And every of the persons aforesaid, failing in his duty in any particular, shall, for every such failure, forfeit

five

five hundred pounds current money; one moiety to the king, and the other to the informer; recoverable in manner aforesaid.

XIV. All acts, *&c.* relating to the clandestine transportation of debtors, servants and slaves out of this colony, repealed.

PATENTS.

9 *Ann,* (1710) *cap.* 13. *sect.* 15.

§ I. ALL patents formerly granted by the governor, or commander in chief, shall be valid in law, to convey and assure the lands therein granted to the grantees, their heirs and assigns, now being in possession thereof, although the same are not to be found among the records in the secretary's office, or have not been duly recorded, or for which rights have not been ly obtained.

II. Upon passing any patent for land, the secretary shall cause the same to be truly entered upon the records of his office, with the certificates for rights by importation, or money paid to the receiver-general, whereupon such patent shall have been obtained.

PEDLARS.

12 *Geo.* II. (1738) *cap.* 11. *sect.* 6.

§ I. ANY pedlar, or other person, found travelling and trading without licence, shall forfeit and pay, for every several dealing or trading, twenty shillings to the use of the informer; to be recovered with costs before any justice of this colony: And, on refusal or delay to pay the said penalty and costs presently, either in money or goods, to the value in such justices judgment, such justice may order him twenty lashes on his bare back, well laid on, and he shall from thenceforth be discharged from the payment of the said penalty for that time.

II. Nothing herein shall extend to any inhabitant of this colony trading only in beef or pork, or carrying any goods or commodities

modities of the growth or manufacture of this colony, to any place or places for selling the same.

III. 19 *Geo.* II. (1746) *cap.* 9. No pedlar, or other person, shall go from place to place, or to other mens houses, and sell, expose to sale, or barter any goods or merchandizes whatsoever, for skins and furrs, without licence obtained under the hand and seal of a collector of the duties upon skins and furrs exported by land, residing near the frontiers: And if any pedlar shall refuse to produce such licence, when required by any person to, or before whom he shall sell, or expose to sale, or barter any goods or merchandize, the same may be seized by the party or parties requiring such licence to be produced; and upon due proof thereof made before a justice of peace, the goods so seized shall be forfeited, and delivered to the seizor for his own use.

IV. Every collector of the duties upon skins and furrs exported by land, appointed by virtue of 12 *Geo.* II. *cap.* 11. may grant, or refuse at his discretion, to any person applying for the same, licence to trade during one year then next following, and no longer; the party obtaining such licence first entering into bond, with good and sufficient security to the king, his heirs and successors, in the penalty of twenty pounds, with condition that he will not export, or cause to be exported, with his privity or knowledge, any skins or furrs, by land or water, without first paying the duties imposed on such skins and furrs by an act of assembly made in the fourth year of queen *Ann*, and shall also make oath, and swear to the same effect: Which bond shall be by him safely kept; and in case of breach shall, and may be recovered in the name of his majesty, his heirs and successors, by action of debt, in any court of record within this dominion; one moiety to his said majesty, *&c.* for the better support of the college of *William* and *Mary* in *Virginia*, and the other moiety to the informer. And the clerk of every county court, shall, in *April* and *October* yearly, transmit to the secretary's office a list of all recoveries, or judgments had or given on seizures, or for breach of such bonds.

V. Eve-

V. Every collector of the said duties, shall, at the time of accounting for the same with the person or persons by his commission directed, return true lists of all licences by him granted and bonds taken thereupon.

VI. Every pedlar, or other person, found travelling and trading without such licence, or who shall refuse to produce and shew his licence, upon demand of any inhabitant of this colony, or who shall be found travelling towards any other of his majesty's plantations with skins or furrs, beyond the place where the collector usually resides. And upon demand of any inhabitant of this colony, shall refuse to produce and shew a certificate that the duties have been paid, shall be liable to the respective penalties, forfeitures and punishments, given or inflicted by 13 *Geo.* II. *cap.* 11. to be recovered and disposed of as by the said act is directed.

VII. 25 *Geo.* II. (1752) *cap.* 12. No collector of the duties upon skins and furrs shall grant to any person a licence to trade as a pedlar, unless such person shall first pay down ten shillings for the use of the governor, or commander in chief for the time being, ten shillings to such collector for writing the said lincence and bond, mentioned *sect.* 4. and twenty pounds for the college of *William* and *Mary.* And if any such collector grants such licence, without having first received the fees appointed by this act, he shall forfeit, for every such offence, the sum of one hundred pounds; one moiety for the use of the said college, and the other moiety to the informer; to be recovered with costs, by action of debt or information, in any court of record.

PENAL LAWS.

22 *Geo.* II. (1748) *cap.* 7. *sect.* 23.

§ I. WHERE any demurrer shall be joined and entered, in any suit or action brought upon any penal law, where the penalty sued for shall not exceed five pounds current money, or one thousand pounds of tobacco; the court shall proceed, and give judgment according to the very right of the cause, and as

the matter of law appears to them, without regarding any imperfection, omiſſion or defect in any writ, return, plaint, declaration, information, or other pleading, proceſs or proceeding, except thoſe only ſpecially ſet down and expreſſed in the demurrer, as cauſes of the ſame; notwithſtanding ſuch imperfection, omiſſion or defect might have been heretofore taken to be matter of ſubſtance, ſo as ſufficient matter appears in the ſaid pleading, upon which the court may give judgment according to the very right of the cauſe.

II. If any verdict is given in any ſuch action or ſuit, the judgment thereupon ſhall not be ſtayed or reverſed, for any default in form or want of form, in any writ, original or judicial, or by reaſon of any imperfect, or inſufficient return of any ſheriff or other officer, or for any inſufficient pleading, or misjoining the iſſue, or for any matter of the like nature.

III. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 24. Where a fine is laid ont he juſtices of any court, or the veſtry of any pariſh, one action may be brought againſt them all jointly, in the general court.

PETITIONS.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 21.

I. THE juſtices of any county court may hear and determine all ſuits brought for any debt or demand, due by judgment, obligation, or account, of the value of twenty five ſhillings current money, or two hundred pounds of tobacco, and not exceeding five pounds current money, or one thouſand pounds of tobacco by petition, and may award execution thereupon; and where the demand ſhall not exceed the ſaid laſt mentioned ſums, the plaintiff ſhall proceed by petition, and not otherwiſe.

II. Any plaintiff demanding a greater ſum, on purpoſe to evade this act, ſhall be nonſuit, and pay coſts.

III. The petition ſhall expreſs whether the debt ariſes by judgment, obligation, or other ſpecialty, or by account, and if by account, the ſame ſhall be filed with the petition.

IV. Up-

IV. Upon filing any ſuch petition in the clerk's office, a ſummons of courſe ſhall iſſue under the hands of the clerk, returnable to the next court; a copy of which, together with a copy of the petition and of the account, where the demand is upon an account, ſhall be delivered to the defendant, or left at the uſual place of his abode ten days before the next ſucceeding court, and the ſame being returned executed by a ſworn officer, or oath made of the due ſervice thereof, if the defendant does not appear, the juſtices may hear and determine the cauſe upon the evidence produced, or diſmiſs the petition as to them ſhall ſeem juſt: And if the defendant appears, he ſhall forthwith put in ſuch anſwer or plea thereto as will bring the matter of complaint in iſſue; and thereupon, or if he fails to plead, they ſhall inſtantly proceed to hear and determine the ſame in a ſummary way, upon ſuch evidence as ſhall be given, and ſhall give judgment according to the very right of the cauſe, and as the matter in law ſhall appear, without regard to form, or want of form in the proceſs, petition, or courſe of proceedings, ſo as ſufficient matter be ſet forth, whereupon the court may give judgment according to the very right of the cauſe; in which proceedings the defendant ſhall have benefit of all matters in his defence that he might have had, if he had been ſued in the ordinary forms of law.

V. The court ſhall not admit of any delay in ſuch ſuit until another court, unleſs good cauſe be made appear for ſuch delay.

VI. Where penalty of any bond or obligation for debt ſhall exceed five pounds current money, or one thouſand pounds of tobacco, any ſuit thereon ſhall be by action at the common law, and not by petition, although part of the principal be paid before ſuit brought.

VII. When any ſuch petition is filed in leſs than ten days before the court day next following the filing thereof, the ſummons ſhall be made returnable to the next court held, after the expiration of ten days, and the ſame being returned executed, or oath made of the due ſervice thereof as aforeſaid, the proceedings thereupon at the return day ſhall be as before directed.

VIII. Upon every judgment given on ſuch petition, if the defendant reſides in another county than where the debt was contracted, or if the plaintiff ſhall be unable to attend the court in perſon, or where the defendant is ſued out of his county, and recovers coſts againſt the plaintiff; if a lawyer ſhall be employed in any ſuch caſe, the clerk ſhall tax in the bill of coſts ſeven ſhillings and ſix-pence for a lawyer's fee, except againſt executors or adminiſtrators.

IX. Where any perſon, intitled to an action of detinue or trover, ſhall ſet forth the value of the thing demanded, to be under five pounds, in a petition to any county court, a ſummons ſhall iſſue, and the court ſhall hear and determine the ſame as provided and directed for the recovery of ſmall debts: And if in any action of detinue or trover, the plaintiff ſhall declare for any thing of leſs value than five pounds, excluſive of damages, he ſhall be nonſuit.

PILOTS.

28 *Geo.* II. (1755) *cap.* 11.

§ I. THE governor, or commander in chief, may nominate ſuch, and ſo many perſons as he ſhall think fit, for each diſtrict in this colony, to examine all who ſhall deſire to be admitted pilots: And if upon ſuch examination the party ſhall appear of ſufficient ſkill and ability, the examiners, or any three or more of them, ſhall certify the ſame to the governor, or commander in chief, who thereupon is required to grant ſuch party a branch, and thenceforth he ſhall be reputed a lawful pilot.

II. If any perſon, not having ſuch branch, ſhall take upon him to conduct or pilot any veſſel coming from ſea to any place hereafter mentioned, he ſhall forfeit, for the firſt offence, ten pounds current money; for the ſecond offence twenty pounds, and for every offence after, forty pounds of the like money; to be recovered with coſts, by action of debt, in any court of record, by the informer; and ſuch perſon ſhall moreover be liable for all damages

ges occaſioned by his undertaking the pilotage; to be recovered at the common law, at the ſuit of the party or parties grieved.

III. This act ſhall not be conſtrued to hinder any perſon from aſſiſting any veſſel in diſtreſs.

IV. No more than two pilots ſhall be in partnerſhip, under the penalty of one hundred pounds to the informer; to be recovered with coſts, by action of debt, in any court of record.

V. All pilots ſhall keep a good look out, and every maſter of a merchant's veſſel coming from ſea, ſhall receive the pilot who firſt offers to conduct his veſſel, or ſhall pay him half pilotage to the firſt port, and then may continue the ſame, or chooſe another pilot, or proceed without any pilot if he thinks fit.

VI. If any pilot, not hindered by ſickneſs, or other lawful cauſe, refuſes to go on board any veſſel, when required by the maſter, to execute his office, ſhall, upon complaint and conviction of ſuch refuſal before the examiners, or any three or more of them, and by them certified to the governor, be liable to be ſuſpended by him, for ſuch time as he ſhall think fit.

VII. If any pilot ſhall negligently loſe the veſſel under his care, and be thereof convicted by due courſe of law, he ſhall for ever after ſuch conviction be incapacitated for acting as a pilot, and be liable to pay all ſuch damages as any perſon ſhall ſuſtain by ſuch negligence; to be recovered as is before directed.

VIII. The following, and no greater or other prices, ſhall be taken or demanded for pilotage.

On *JAMES RIVER.*

For all ſhips, ſnows, or brigantines.

		l.	*s.*	*d.*
From *Cape Henry*, or *Linhaven Bay*, to *Hampton Road*, or *Sewel's-point*,		1	0	0
From *Hampton-Road*, to *Sewel's-point*, to *Norfolk*, *per* foot,			1	8
To *Sleepy-Hole*, or *Sack-point*, *Nanſemund*,	Do.		2	0
To *Pagan Creek*,	Do.		1	6
To *James' Town*,	Do.		4	6
To *Merchant's Brandon*,	Do.		5	0

To

		l.	s.	d.
To *Flower de* hundred,	*per* foot,		5	6
To *Weſtover*,	Do.		6	0
To *City-point*, or *Bermuda* hundred,	Do.		7	0

On *YORK RIVER.*

		l.	s.	d.
From the *Cape*, or *Linhaven River*, to *York Town*,		2	0	0
Back River, or *Egg-Iſland*, to *York Town*,		1	0	0
York to *Weſt-point*,	*per* foot		3	0
Weſt-point to *Holts* or *Danſies*,	Do.		1	0
———to *Little-Pages*, or the higheſt landing ſhips can go in *Pamunkey River*,	Do.		1	6
———to *Shepherd's*,				6
———to *Meredith's Moores*, or the higheſt landing on *Mattapony River*,			1	0

——The *Cape* to any river in *Mobjack Bay*, the ſame as to *York Town*.

On *RAPPAHANNOCK RIVER.*

		l.	s.	d.
From the *Cape* to *Urbanna*,		3	0	0
Urbanna to *Hobb's Hole*,	*per* foot,		2	6
Hobb's Hole to *Mulberry Iſland*, or *Naylor's Hole*,	Do.		1	3
Mulberry Iſland to *Leeds*,	Do.		1	3
Leeds, or *Micous*, to *Port-Royal*,	Do.		2	0

——The *Cape* into *Pianketank* to *Kemp's* warehouſe, or any other place, the ſame as to *Urbanna*,

On *POTOMACK RIVER.*

		l.	s.	d.
From *Cape Henry* to *Smith's-point* on *South-Potomack*,		5	0	0
Smith's point to *Coan*,	*per* foot,		1	6
———to *Yeocomoco*,	Do.		1	7
———to *Machodack*	Do.		1	8
———to *Nomini*,	Do.		1	10

From

			s.	d.
From *Smith's-point* to *Maddox*	*per* foot,		2	0
——— —— to Upper *Machodack*,	Do.		2	3
——— —— to *Nangemy*,	Do.		3	6
——— —— to *Boyd's Hole*,	Do.		4	0
——— —— to *Quantico*,	Do.		4	6
——— ——to *Alexandria*,	Do.		6	6

And the ſame fees back again from the ſeveral places aforeſaid, to the *Capes*, and no more.

And for all ſloops and ſchooners, two thirds of the rates of pilotage.

IX. If any pilot ſhall demand, or take any other or greater fee, he ſhall forfeit double the pilotage ſo demanded; recoverable before a juſtice, with coſts, by the informer to his own uſe.

X. Provided, No maſter of a veſſel ſhall be obliged to take a pilot who does not offer himſelf below *Willoughbey's-point* to *James' River*, *Egg-Iſland* to *York*, *Gwynn's Iſland* to *Rappahannock*, or *Smith's-point* to *Potomack*.

XI. Every veſſel having no pilot on board, and following another that has a pilot, ſhall pay him half fees.

XII. Every pilot appointed in purſuance of this act, ſhall, when he is in the execution of his office, carry with him a copy thereof, and when he receives his fees for ſervices performed on board any veſſel, he ſhall produce the ſaid copy to the maſter of ſuch veſſel, to ſhow that he demands no greater fee than is hereby allowed: And if any pilot ſhall neglect or refuſe to produce ſuch copy as aforeſaid, he ſhall forfeit twenty pounds to any perſon who ſhall ſue for the ſame; to be recovered with coſts in any court of record.

XIII. This act to be in force from its paſſing two years, and thence to the end of the next ſeſſion of aſſembly.

PLEAS and PLEADING.

22 *Geo.* II. (1748) *cap.* 7. *sect.* 19.

§ I. EVERY defendant, or tenant shall file his plea in writing, or judgment shall be given against him for want of a plea.

II. No plea in abatement, or *non est factum*, shall be admitted in any cause depending in any county court, unless the party offering the same shall, by affidavit, prove the truth thereof.

III. The plaintiff in replevin, or defendant in any other action, may plead as many several matters as he shall think necessary for his defence, but may not plead and demur to the whole.

IV. 27 *Geo.* II. (1753) *cap.* 1. *sect.* 24. The plaintiff, after the defendant's appearance, and filing his declaration, may give a rule to plead with the clerk in the secretaries office, to expire in a calender month.

V. The same as *sect.* 3.

POOR.

22 *Geo.* II. (1748) *cap.* 1. *sect.* 5.

§ I. NO person shall be accounted an inhabitant so as to have gained a legal settlement in any parish, until such person hath been actually resident in such parish one whole year.

II. Any justice, upon complaint of the church-wardens of any parish, that any poor person, like to become a parish charge, hath come into the said parish, may, by warrant under his hand, cause such person to be removed to the parish where he or she was last legally settled: But if thro' sickness, or other disability, he or she cannot be removed without danger of life, the church-wardens of the parish where such person shall be, shall provide for him or her at the parish charge; and when such person shall recover, shall cause him or her to be removed: And the parish in which such poor person was last legally settled shall pay all charges occasioned by the sickness, maintenance, and cure of such

poor

poor person, and removing him or her; and also all charges and expences, if such person shall die before removed. And if the church-warden or church-wardens of the parish to which such poor person belongs, shall refuse to receive and provide for him or her as aforesaid, every church-warden so refusing, shall forfeit and pay twenty pounds current money; one half to the king for the use of the parish from whence the removal was, the other to the informer; to be recovered by action of debt or information, in any court of record, with costs. And if the vestry of the parish where such poor person was last legally settled shall refuse to pay all the charges and expences aforesaid, the vestry of the parish refusing, shall be liable for the same to the church-wardens of the parish aggrieved; to be recovered with costs in any court of record as aforesaid.

III. If any house-keeper shall entertain any such poor person, and not give notice thereof to one of the church-wardens of the parish within one month, he or she shall forfeit five pounds, or one thousand pounds of tobacco; to be recovered with costs by the church-wardens for the use of the parish, by action of debt or information, in any county court.

IV. 28 *Geo.* II. (1755) *cap.* 6. The vestry of every parish shall order, and cause to be erected, purchased or hired, one or more house or houses within their parish, for the lodging, and maintaining, and employing all such poor people as shall be upon the parish, or who shall desire relief from the vestry, or church-wardens, and employ all such poor persons in such works as shall be directed by the said vestry, or church-wardens, and take and apply the benefit of their labour towards their maintenance, and support, and provide cotton, hemp, flax, or any other necessary materials, implements, or things for setting the said poor to work.

V. Where any parish shall be too small to purchase, erect, or hire such house or houses, the vestries of any two or more such parishes, lying, adjoining, or convenient to each other, may unite in purchasing, erecting, or hiring such house or houses for

the reception and employment of the poor of their respective parishes.

VI. The said vestry or vestries may purchase or rent a tract of land whereon the said house or houses shall stand or convenient thereto, not exceeding one hundred acres for the use of the said poor, and levy a reasonable allowance in their parish levies, for the education of such poor children as shall be placed in the said house or houses, until they shall be bound out according to law.

VII. Provided, No poor person shall gain a settlement, so as to become chargeable to the parish whither he or she shall be removed by virtue of this act, but shall be deemed a resident, and belong to the parish from whence he or she was removed.

VIII. The church-wardens of every parish, or one of them, may order the constables in their parish, or such other officer as they shall appoint for that purpose, to convey all persons found begging in their parish to the house or houses so to be provided for the reception of the poor, to be there employed, twenty days or less time, in such works and labour as the said church-wardens, or either of them, shall adjudge them able to perform, and apply the profits of such beggar's labour towards his or her maintenance.

IX. The vestry of every parish wherein such house or houses shall be, may make and ordain proper rules and orders concerning the work, employment and correction of such poor persons as shall be placed or sent there, pursuant to this act, and contract with, and appoint one or more sufficient person or persons to keep the said house or houses, and to oversee the poor belonging to, or sent there; which person or persons so appointed shall have full power to set all such poor persons as shall be placed, or sent there, to work and labour according to their several abilities, and the rules and orders of the vestry, and church-wardens; and to inflict corporal punishment on such persons under his or their care and management, who will not conform themselves to the said rules and orders, or who shall behave refractorily, not exceeding ten lashes at one time, or for one offence. And the person

ſon or perſons ſo appointed, ſhall, annually, at the laying of the pariſh levy, or when required, render a true account to the veſtry of the poor under his or their care, and the profits ariſing from their labour, and how the ſame have been diſpoſed of, and ſhall be liable to be diſplaced by the veſtry when they ſhall think fit.

X. If any poor perſon ſhall refuſe to be placed, or to continue at any houſe or houſes appointed for the reception of the poor, purſuant to this act, he or ſhe ſhall not be entitled to any relief from the veſtry, or church-wardens of his or her pariſh, except they ſhall adjudge him or her incapable of labour by reaſon of ſickneſs or old age, and order otherwiſe.

XI. The church-wardens of every pariſh ſhall keep a book, wherein the names of all perſons who receive relief from the pariſh ſhall be regiſtred, with the time they were admitted on the pariſh, and the occaſion of ſuch admittance; which book ſhall be by them produced to the veſtry at the laying the pariſh levy, or as often as the veſtry ſhall think convenient, and the names of ſuch poor perſons ſhall be called over, and the reaſons of their receiving relief examined, and ſuch of the ſaid poor ſhall be continued on the pariſh, or diſcharged therefrom as the ſaid veſtry ſhall direct.

XII. Every perſon who ſhall receive relief from the pariſh, and be ſent to the ſaid houſe or houſes, ſhall, upon the ſhoulder of the right ſleeve of his or her upper garment, in an open and viſible manner, wear a badge, with the name of the pariſh to which he or ſhe belongs, cut in blue, red, or green cloath, as the veſtry and church-wardens ſhall direct; and if any poor perſon ſhall neglect or refuſe to wear ſuch badge, the veſtry, or church-wardens, may puniſh ſuch offence, by ordering his or her allowance to be abridged, ſuſpended, or withdrawn, or the offender to be whipped, not exceeding five laſhes for one offence at one time.

XIII. If any perſon not intitled to relief as aforeſaid, ſhall wear ſuch badge, he or ſhe ſhall in like manner be whipped for every ſuch offence, by order of any juſtice, unleſs he or ſhe ſhall

immediately pay down ten shillings to the church-wardens for the use of the poor of that parish where the offence shall be committed.

XIV. This act shall be allowed in all courts as a public act, without specially pleading the same.

PRESENTATION.

22 *Geo.* II. (1748) *cap.* 34. *sect.* 7.

§ I. WHEREAS it is doubted how long the right of presentation of a minister to a parish remains in the vestries of this colony; for settling that matter, *Be it enacted*, That the sole right of presentation shall be, and remain in the several vestries for, and during the term of twelve months next, after a vacancy shall happen in their respective parishes.

PRESENTMENT.

3 and 4 *Geo.* II. (1730) *cap.* 2. *sect.* 2.

§ I. THE church-warden or church-wardens of every parish shall present all persons guilty of any of the offences or crimes mentioned in the act of 4 *Ann*, *cap*. 30. committed within the respective times, by that limited, for prosecution thereof, and not otherwise, to the court of the county where the same is committed, at the next court, after the same comes to his or their knowledge: And thereupon such court shall cause such persons to appear and answer such presentments, and shall proceed to tryal, and give judgment thereon, as if such presentments had been made by a grand jury.

II. Provided, Nothing herein shall be construed to take away the power of any grand jury to make presentment of any offences in the said act mentioned, in the same manner as they might have done before making of this act.

III. 18 *Geo.* II. (1744) *cap.* 2. *sect.* 5. The grand juries shall make presentment of all such offences and breaches of penal laws only, as shall be committed within the space of twelve months

before

before the time of such presentment, unless the same be otherwise directed by law, and no longer.

IV. 22 *Geo.* II. (1748) *cap.* 11. *sect.* 2. When any offence shall be presented by any grand jury, and the penalty by law inflicted on such offence shall not exceed five pounds current money, or one thousand pounds of tobacco, such presentment need not be drawn up in other form than as the same stands presented by the grand jury, and thereupon the court shall order a summons to issue, to summon the person presented to appear and answer such presentment at the next court, and shall not admit of any exception or pleading to the form or manner thereof, but proceed to trial without the formality of a jury, according as the very right of the cause and matter in law shall appear unto them: And if the party summoned fails to appear, the court may give judgment for the penalty.

PRISONERS.

22 *Geo.* II. (1748) *cap.* 10. *sect.* 15.

§ I. THE delivery of prisoners by indenture between the old sheriff and the new, according to the practice in *England,* or the entering upon record in the county court the names of the several prisoners, and causes of their commitment, delivered over to the new sheriff, shall be sufficient to discharge the late sheriff from all suits for any escape that shall happen afterwards.

II. 22 *Geo.* II. (1748) *cap.* 12. *sect.* 24. If any person charged in execution, shall give bond, with good securities, under a reasonable penalty, for keeping within the rules or bounds of the prison to which such person is committed, the sheriff, *&c.* may permit such person to go out of the prison, and return at pleasure.

III. 27 *Geo.* II. (1753) *cap.* 1. *sect.* 22. When any sheriff returns he hath taken any defendant and committed him to prison for want of bail, the plaintiff may proceed, and the defendant make defence, but not be discharged out of custody, unless the

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plaintiff be ruled to accept an appearance at the next general court, or putting in good bail.

IV. Where any defendant, after appearance, ſhall be in the public priſon for debtors in cuſtody, the plaintiff may file his declaration, and give a rule to plead, but ſhall deliver a copy of ſuch declaration and rule to the defendant or his attorney, one month, at leaſt, before the expiration of ſuch rule; and if the defendant fails to plead, upon oath, of the delivery of ſuch copy, made before one of the juſtices of the general court, the plaintiff may have judgment, as upon failing to plead in any civil action.

PRISONS.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 30.

§ I. EVERY county court, at the county charge, ſhall cauſe to be built, and kept in good repair, one common goal or county priſon, to be built of brick or timber, after the manner of *Virginia* houſing; the chimneys and windows ſtrongly grated with iron bars, and the doors ſtrongly ſecured with good locks and bars of iron; and ſhall alſo cauſe to be built and maintained as aforeſaid, near the court-houſe, one pillory, whipping-poſt, and a pair of ſtocks; or every magiſtrate of ſuch court failing, ſhall forfeit five hundred pounds of tobacco; one moiety to the king, the other to the informer; to be recoverd with coſts, by action of debt, bill, plaint, or information, in any court of record: And ſhall alſo be liable to pay all ſums recovered againſt the ſheriff of their county, upon any eſcape happening by reaſon of ſuch failure, to cauſe a priſon to be built as aforeſaid; to be recovered by ſuch ſheriff, his executors and adminiſtrators, with all coſts and damages ſuſtained by ſuch recovery againſt him in the general court, by action of debt, bill, plaint, or information, to be brought againſt them, or the ſurvivors of them. And upon recovery, the general court ſhall aſcertain how much every particular magiſtrate then living, and the heirs, executors and adminiſtrators of ſuch as are dead ſhall pay reſpectively, and accordingly one or more executions may be iſſued thereupon. And

if

if any county court thinks fit, they may, at the county charge, cause a ducking stool to be built in such convenient place as they shall direct.

II. For the preservation of prisoners health, the county court may mark out, by metes and bounds, such a parcel of land as they shall think fit, not exceeding ten acres, adjoining to the prison for the rules thereof; and every prisoner (not committed for treason or felony) giving good security to keep within the said rules, shall have liberty to walk therein, and the bounds of such rules shall be recorded in the county records, and the marks thereof renewed as occasion requires.

III. All acts, *&c.* relating to any thing within the purview of this act, repealed.

IV. 22 *Geo.* II. (1748) *cap.* 45. The two rooms at the East end of the now public goal shall be appropriated for receiving and keeping debtors, to be committed by the general court, of which the judges thereof may appoint rules. And the two rooms at the West end of the said goal for receiving and keeping criminals committed to the public goal.

V. The governor shall appoint the keeper of the same, who in a month shall give bond, with security to the king in five hundred pounds, for the due execution of his office in some court of record, to be returned to the next general court, when, if the security is adjudged insufficient, a new keeper shall be appointed: Any person executing the said office without giving such bond, shall forfeit twenty pounds for every month he executes the same; one moiety to the king, and the other to the informer; to be recovered with costs, by action of debt or information, in any court of record. Such keeper shall constantly attend the general court, and receive all persons by them committed, and keep them till lawfully discharged, and receive of such prisoners the fees settled by law, but where they are not able to pay the same, shall be allowed six-pence *per* day, to be paid by the assembly: He shall keep in safe custody all criminals legally committed, until discharged by due course of law; and while in office shall be exempted

empted from all musters, and serving on any jury, and shall have such allowance as the assembly shall think reasonable.

PROCESS.

22 *Geo.* II. (1748) *cap.* 7.

§ I. ALL original process by writ, summons, petition, or other means, to bring any person to answer any action, suit, information, bill or plaint in any county court; and all executions and attachments awarded by the said courts at the common law; and all *subpœnas*, attachments, and other process in chancery shall be issued, and bear test by the clerk of every county court respectively, returnable to the next succeeding court, and shall be executed, at least, three days before the return day therein mentioned: And if any process shall be delivered to any sheriff or officer so late that he cannot execute the same in such limited time, he shall not execute it, but return thereupon the truth of the case. And any original process taken out within three days before the next court-day, shall be made returnable to the next court after the three days, and not otherwise; and all process issued and returnable, otherwise shall be null and void.

II. Provided, That any justice or justices, by warrant, may cause any traitor, felon, pirate, rioter, breaker of the peace, or other criminal offender, to be apprehended and brought before him, them, or some other justice or justices, or before the next county court, though there shall not be three days between the execution of such warrant and the return thereof.

III. Process against any counsellor, or the sheriff of the county, the proceedings thereon shall be after the same manner in the county court as the general court.

IV. 22 *Geo.* II. (1748) *cap.* 10. *sect.* 4. Every sheriff himself, or his lawful officers, or his deputies, shall execute all writs and other process to him legally issued and directed within his county, or upon any bay, river, or creek adjoining thereto, and make return thereof, under penalty of two thousand pounds of tobacco for every failure; one moiety to the king, and the other to the

party

party grieved; to be recovered with coſts, by action of debt or information, in any county court: And ſuch ſheriff ſhall be further liable to the action of the party grieved, at the common law, for damages.

V. And for every falſe return, the ſheriff ſhall forfeit three thouſand pounds of tobacco; to be recovered, divided and applied in the manner laſt mentioned; and ſhall alſo in like manner be liable to the party grieved for damages.

VI. No ſheriff ſhall return on any writ, that the defendant is not found in his bailiwick, unleſs he or his officer hath actually been at the dwelling-houſe or place of abode of ſuch defendant, and not finding him, ſhall have there left an atteſted copy of the ſame writ or proceſs. And where any defendant is a known inhabitant of another county, ſuch ſheriff ſhall return the truth of the caſe, and thereupon ſuch proceſs iſſued from any county court clerk's office, as to ſuch defendant ſhall abate, and be diſmiſſed.

VII. No ſheriff, or other officer, ſhall execute any writ or proceſs upon the Lord's day, or upon any perſon attending his duty at any muſter of the militia, or any election of a burgeſs or burgeſſes: All proceſs ſo executed ſhall be illegal and void, unleſs iſſued for treaſon, felony, riot, breach of the peace, or upon an eſcape out of priſon or cuſtody; and ſuch proceſs may be executed at any time or place.

VIII. 27 *Geo.* II. (1753) *ſect.* 6. No original proceſs ſhall be ſued to the general court, for trial of any ſuit there, of leſs value than ten pounds ſterling, or two thouſand pounds of tobacco, on penalty of having ſuch ſuit diſmiſſed, and the plaintiff being nonſuited and paying coſts.

IX. *Sect.* 7. But the juſtices of any county, or other inferior court, or veſtry of any pariſh, may be ſued for any matter though of leſs value.

X. *Sect.* 12. All original and ſubſequent proceſs in any action or ſuit in the ſaid court, and all attachments at the common law, and all *ſubpœnas*, and other proceſs in chancery ſhall iſſue from the ſecretary's office, and bear teſt by the governor, or com-

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mander in chief, and be signed by the clerk of the court, and may be executed any time before the return day, which for all process at the common law shall be on the eight or twenty third day of the next court; and for all chancery process the first or twenty third; process for criminal prosecutions on the sixth, and on petitions for lapsed lands on the seventh, and at no other time, or to be null and void: Any if any process is executed too late to be returned, on any subsequent process issuing thereon, the sheriff shall not execute the same, but return the first, and the plaintiff shall declare and proceed as if the same had been returned on, or before the return day.

XI. If any action or suit be commenced against any of the council, instead of any process in like case to be taken against any other person, the clerk of the said court shall issue a summons to the sheriff of the county where such counsellor resides, reciting the matter charged against him, and summoning him to appear and answer the same upon a certain day of the next general court therein mentioned: And on such counsellor's failure to appear, the court may issue an attachment against his estate, and thereafter the proceedings in such case shall be as upon *non est inventus*, returned by the sheriff on any ordinary process.

XII. And in like manner, process against the sheriff of any county shall be issued and directed to any coroner of the county where such sheriff resides, and the like proceedings shall be had against him as against a counsellor.

XIII. If any counsellor or sheriff fails to answer process in chancery, one or more distringa's shall issue to compel such defendant to answer.

PROCESSIONING.

9 *Ann*, (1710) *cap.* 13. *sect.* 31.

§ I. ONCE in every four years the bounds of every persons land shall be processioned, or gone round, and the land-marks renewed in manner following: Every county court, at some time between the first of *June*, and first of *September*,

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1711, and so between the first of *June*, and first of *September*, every fourth year afterwards, by order of court, shall direct the vestry of each parish in their county to divide their parish into so many precincts as to them shall seem convenient for processioning every particular persons land in such parish, and to appoint the particular times between the last of *September*, and last of *March* then next coming, when such processioning shall be made in every precinct; and also to appoint, at least, two intelligent honest freeholders of every precinct to see such processioning performed, and to take and return to the vestry an account of every persons land they shall procession, and of the persons present at the same, and what lands in their precinct they shall fail to procession, and the particular reasons of such failure; which order shall be signified in writing to the church-wardens of every parish, within every county, by the clerk of the court, within ten days after making the same; and thereupon the church-wardens shall cause a vestry to be summoned to meet within ten days after making the receipt of such order; at which vestry such order shall be exactly obeyed in every particular, and thereupon the church-wardens shall give notice at the church or chapel of the parish, at least, three sundays before the same is to be performed, of the persons and times appointed by the vestry for processioning in every several precinct.

II. The vestry shall cause the accounts of the two freeholders made and returned as aforesaid, to be registered in particular books kept for that purpose by the clerk of the vestry, to prevent mistakes or omissions; in which register, the church-wardens, in presence of the vestry, shall examine the same, and compare it with the original return, within six months after the returns from time to time made, and shall certify the same by setting their hands to an attestation thereof in the register so examined and compared.

III. The vestry shall direct what precinct in their parish every particular freeholder thereof shall attend to perform the processioning as aforesaid: And if any parish shall lie in two counties, each county court's order shall be signified to the church-wardens

as aforesaid, and be obeyed by the vestry in manner before directed.

IV. The county court vestry, chuch-wardens, or clerk of the court failing to perform their duty respectively, shall forfeit as follows: Every justice of such county court one thousand pounds of tobacco: Every member of such vestry two hundred pounds of tobacco; and every church-warden five hundred pounds of tobacco; and every county court clerk one thousand pounds of tobacco; one moiety of the said forfeitures to the queen, the other to the informer; to be recovered with costs by action of debt, bill, plaint or information, in any court of record.

V. Provided, Upon any information or suit brought against any justice, vestry-man, or church-warden for breach of this act, the defendant may give in evidence to the court that he was necessarily absent from such court, or being there offered to do his duty, whereupon such information or suit shall be dismissed. And if any other person, not having a lawful excuse, fails to perform his duty herein, he shall forfeit five hundred pounds of tobacco; to be recovered with costs, by the church-warden or church-wardens of the parish where such forfeiture shall be incurred, to be applied towards purchasing ornaments for the church or chapel.

VI. Processioning any persons land three several times in manner aforesaid, shall be sufficient to settle the bounds thereof, so as the same may never after be altered.

VII. If the owner of any lands shall refuse to have them processioned, the two freeholders appointed to procession the same shall, within ten days after such refusal, certify the same under their hands to the church-wardens of the parish where such lands lie, who shall carry the said certificate to the next sitting of the court from which the order for processioning such lands issued; which court shall order the surveyor of their county, with a jury, to lay out and procession the same, and to return the survey thereof, with the proceedings to the next court after the survey made: Which survey and proceedings shall be recorded in the records of the said county court, and a copy thereof shall be sent by the

clerk

clerk of the ſaid court, within ten days after return thereof, to the church-wardens of the pariſh where the ſaid lands lie, and ſhall be regiſtered in the veſtry book of ſuch pariſh; and if ſuch lands lie in more counties than one, a certificate ſhall be made to each of the ſaid county courts in manner aforeſaid: Whereupon the court of that county in which the beginning of the bounds of ſuch land ſhall lie, ſhall order the ſurveyor, with a jury of their county, to ſurvey and proceſſion the whole bounds of ſuch lands; and the ſheriff of each county ſhall attend ſuch ſurvey in his reſpective county; which ſurveys in manner aforeſaid made, ſhall be taken to be a ſufficient proceſſioning of the ſaid lands, as if made and done with the owners conſent: And every juſtice, church-warden, county court clerk, and other perſon failing to perform his duty herein, not having a lawful excuſe, ſhall forfeit the like penalties as are before in this act laid on them reſpectively; to be recovered in like manner, and to the ſame uſes.

VIII. Provided, The proceſſioning any lands of tenant for life ſhall not bar the heir in reverſion or remainder, but ſuch heir at any time within ſix years after the death of ſuch tenant for life, may controvert the ſaid bounds, as if ſuch proceſſioning had never been made.

IX. Provided alſo, That the proceſſioning the lands of any infant, feme-covert perſon, *non compos mentis*, impriſoned, or out of the country, ſhall be concluſive to ſuch perſon, until the expiration of ſix years after the ſaid ſeveral incapacities removed.

X. Every proceſſioning of lands made according to 4 *Ann*, *cap*. 21. ſhall be deemed one of the three times of proceſſioning by this act, declared ſufficient to ſettle the bounds of lands, ſo as the ſame may never be altered.

XI. 18 *Geo*. II. (1744) *cap*. 14. When any controverſy ſhall happen between perſons, whoſe lands lie contiguous about their reſpective bounds, the freeholders appointed to proceſſion the ſame ſhall return a certificate thereof in the manner directed *ſect*. 7.: And the court of the county to which ſuch certificate ſhall be returned, ſhall cauſe their ſurveyor, with a jury, to lay

out

out the bounds ſo in diſpute at the charge of the perſon, againſt whom the right of ſuch bounds ſhall be determined.

PROMISSORY NOTES.

22 *Geo.* II. (1748) *cap.* 33. *ſect.* 5.

§ I. IF any perſon, by any note or other writing ſigned by him, promiſes to pay any money or tobacco to any other perſon, the perſon to whom the ſame is payable, may maintain an action of debt, and recover judgment for what ſhall appear due thereupon with coſts.

QUARENTINE.

8 *Geo.* I. (1722) *cap.* 2.

§ I. ALL veſſels coming from any place, infected with the plague, ſhall make their quarentine in ſuch place, for ſuch time, and in ſuch manner, as the governor, or commander in chief, with advice and conſent of the council, ſhall direct; and till ſuch veſſels are diſcharged of ſuch quarentine, no perſon coming, or goods imported in them, ſhall come on ſhore, or go on board any other veſſel, or be landed, or put in any veſſel in any place within this colony, nor ſhall any perſon go on board any ſuch veſſel, without licence firſt obtained in writing, under the hand of the perſon appointed to ſee ſuch quarentine duly performed: And the veſſels, and the perſons and goods imported in them, or going on board the ſame during the time of quarentine; and all veſſels and perſons receiving any goods, or perſons under quarentine, ſhall be ſubject to ſuch orders touching quarentine as ſhall be made by the governor, or commander in chief, with the advice and conſent of the council, and notified by proclamation.

II. If any maſter of a veſſel ſo coming from any place infected, quits, or ſuffers any ſeaman or paſſenger therein to quit the ſame, by going on ſhore, or on board any other veſſel, during ſuch quarentine, or until ſuch veſſel is diſcharged from quarentine, with-

out

out ſuch licence, as aforeſaid, firſt obtained: In every ſuch caſe, ſuch veſſel, with her tackle, apparel, and furniture ſhall be forfeited to his majeſty, and may be ſeized, ſued for, and recovered in the court of vice-admiralty here; to the uſe of his majeſty, his heirs and ſucceſſors. And further, if any perſon, arriving in any ſuch veſſel obliged to perform quarentine, ſhall quit ſuch veſſel by coming on ſhore, or going on board any other veſſel, during ſuch quarentine, the officer appointed to ſee ſuch quarentine duly performed, may compel, and in caſe of reſiſtance, uſe force and violence to compel ſuch perſon to return on board ſuch veſſel, and there to remain during the time of quarentine: And after the expiration thereof, ſuch perſon being convicted of leaving ſuch veſſel, by the oath of one or more credible witneſs or witneſſes, before one or more juſtice or juſtices living near the place where the offence was committed, ſhall forfeit ſuch ſum, not exceeding twenty pounds, as ſuch juſtice or juſtices ſhall adjudge, to be forthwith paid into his hands, who may reward the informer out of the ſame according to diſcretion, not exceeding one third part, and ſhall pay the remainder, after neceſſary charges deducted, to the uſe of the poor of the pariſh where ſuch conviction ſhall be had; and in default of payment, ſuch juſtice or juſtices may commit ſuch offender to the goal of the county where ſuch conviction is had, for any time not exceeding one month.

III. Any perſon going on board any ſuch veſſel required to do quarentine during the time thereof, and returning from ſuch veſſel without ſuch licence as aforeſaid, may be compelled by force, by the officers appointed as aforeſaid, to return on board ſuch veſſel, and there to remain during the time of her quarentine, and the maſter of ſuch veſſel ſhall keep and maintain ſuch perſon on board accordingly.

IV. Any officer of the cuſtoms, or others directed to take care that ſuch quarentine is duly performed, may ſeize any boat or ſkiff belonging to ſuch veſſel, or found therewith, and detain the ſame until ſuch quarentine is performed; and if any ſuch officer, or other perſon ſo entruſted as aforeſaid, ſhall voluntarily ſuffer

fer any ſeaman or paſſenger to quit ſuch veſſel while under quarentine; every ſuch offender ſhall forfeit one hundred pounds; one moiety to the king, *&c.* the other to the informer; to be recovered with coſts in any court of record.

V. The perſons appointed to ſee the ſaid quarentine performed, ſhall cauſe watches to be kept both day and night, in the moſt convenient places within the adjacent pariſhes, and ſtrict orders not to permit any perſon to come from, or go on board any veſſel under quarentine, except ſuch as have the charge of ſeeing the quarentine duly performed, or as ſhall be licenced as aforeſaid.

VI. After quarentine performed by any veſſel, and the perſons therein, according to the proclamation to be iſſued by the governor, or commander in chief, with advice and conſent of the council as aforeſaid, and proof made by the oaths of the maſter, and two of the perſons belonging to ſuch veſſel, before any officer of the cuſtoms of the port or place where ſuch quarentine is performed, or before the perſon appointed to ſee ſuch quarentine performed, that ſuch veſſel, and all and every the perſon and perſons therein, have duly performed the quarentine as aforeſaid, and that the veſſel, and all the perſons on board are free from infection: Such officer of the cuſtoms, or perſon appointed as aforeſaid, ſhall give a certificate thereof, and thereupon ſuch veſſel, and all the perſons thereunto belonging, ſhall be liable to no further reſtraint during that voyage, by reaſon of any thing contained in this act.

VII. Provided nevertheleſs, That the goods imported in ſuch veſſel, ſhall, after ſuch quarentine performed, be opened and aired in ſuch place, and for ſuch time as ſhall be directed by ſuch proclamation as aforeſaid.

QUIT-RENTS.

22 *Geo.* II. (1748) *cap.* 10. *ſect.* 7.

§ I. EVERY ſheriff when required by the governor's warrant for that purpoſe, ſhall collect the quit-rents due to his majeſty

majeſty in his county, and duly ſatisfy and pay the ſame to the receiver-general at the time limited by law (the laſt of *May.*)

II. 29 *Geo.* II. (1755) *cap.* 5. If any ſheriff ſhall not pay the officers of his majeſty's revenue, on or before the day appointed by law for that purpoſe, ſuch ſums of money as he ſhall have received for the quit-rents, and other dues of his majeſty within his county, his majeſty's receiver-general at the next, or any other ſucceeding general court, may demand judgment againſt ſuch ſheriff for the ſame, with coſts; and the ſaid court ſhall give judgment accordingly, provided, ſuch ſheriff have ten days previous notice thereof.

READERS.

13 *Car.* II. (1661) *cap.* 5.

§ I. THAT every pariſh, not having a miniſter to officiate every ſunday, do make choice of a grave and ſober perſon, of good life and converſation, to read divine ſervice every intervening ſunday, at the pariſh church, when the miniſter preacheth at any other.

REAL ACTIONS.

8 *Geo.* II. (1734) *cap.* 6. *ſect.* 10.

§ I. FOR the more eaſy proſecution of real actions, the proceſs therein ſhall be the ſame as is uſed, and have the ſame effect as in *England*, except that the returns ſhall be according to the laws of this colony: But all eſſoins, views, and vouchers are taken away, and after one imparleance, unleſs the tenant pleads *nontenure*, joint tenancy, or ſeveral tenancy in abatement, and then after ſuch plea over-ruled, he ſhall put himſelf upon the grand aſſize, and the miſe ſhall be joined upon the mere right, and ſhall be tried at the next court by ſixteen jurors; to be ſummoned, tried and ſworn as in all other actions; and to remove all delays and groundleſs pretences, in ſaving the default of the tenant, no excuſe ſhall be admitted but non-ſummons, and

ſuch excuſe being allowed he may imparl, and at the next court ſhall either plead in abatement, or put himſelf upon the grand aſſize as aforeſaid.

RECORDS.

22 *Geo.* II. (1748) *cap.* 7. *ſect.* 19.

§ I. THE clerk of the court ſhall carefully preſerve the declarations, pleas, evidences, and other papers relating to any cauſe, and they ſhall be all filed together in the office; the pleadings in all caſes where the title or bounds of any eſtate in land is determined ſhall be in writing, and entered at large, with the judgment thereon, in particular books ſet apart for that purpoſe only.

II. The juſtices before they adjourn the court, ſhall cauſe the minutes of their proceedings to be publickly read by the clerk, and corrected where neceſſary, and then the ſame ſhall be ſigned by the firſt juſtice in commiſſion then ſitting: Which minutes, ſo ſigned, ſhall be taken in a book, and carefully preſerved among the records, and no proceedings or judgments of any court ſhall be of force until they be ſo read and ſigned.

III. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 24. When any cauſe ſhall be determined in the general court, the clerk ſhall enter all the proceedings relating thereto together in a book for that purpoſe.

IV. Where the title of any eſtate in lands is determined, the pleadings ſhall be all in writing, and entered at large, with the judgment in particular books for that purpoſe.

V. Every days proceedings ſhall be drawn at large by the clerk, and read in open court at the next ſitting, when ſuch corrections as are neceſſary ſhall be made therein, and then be ſigned by the ſecretary or his deputy, and carefully preſerved among the records.

RENTS.

22 *Geo.* II. (1748) *cap.* 15. *sect.* 8.

§ I. IF any lessee for life or lives, term of years, or otherwise, of messuages, lands, or tenements, upon the demise whereof any rents are reserved, shall fradulently or clandestinely convey or carry off, or from such demised premisses, his goods or chattels, with intent to prevent the landlord or lessor from distraining the same for arrears of rent so reserved; such lessor or landlord, or any person impowered by him for that purpose, within ten days next after such conveying away, or carrying off such goods and chattels, may take and seize the same wherever they shall be found, as a distress for the arrears of such rent, and sell the same, as if they had been distrained upon the demised premisses.

II. Provided, No goods or chattels so carried off, and, *bona fide*, sold for a valuable consideration before such seizure made, shall be taken or seized for any arrears of rent.

III. Any person having rent due upon any lease for life or lives, may bring an action of debt for such arrears, in the same manner, as if such rent was due upon a lease for years.

IV. Any person having any rent due upon any lease for life or lives, or for years, or at will, ended or determined, may distrain for such arrears, after the determination of the respective leases, in the same manner, as if such lease or leases had not been determined.

V. Provided, Such distress be made within six kalender months after the determination of such lease, and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears became due.

VI. Nothing in this act shall extend to prejudice the king in levying any debts, fines, penalties, or forfeitures, in the same manner, as if this act had never been made.

REPEAL.

29 *Car.* II. (1676) *cap.* 4.

§ I. ALL acts, orders, and proceedings of the grand assembly begun and held at *James' City*, the fifth day of *June*, 1676. are repealed, and made null and void: *Nathaniel Bacon* the younger, having by force and threats obliged the said assembly to proceed according to his directions and demands.

II. 32 *Car.* II. (1680) *cap.* 3. The act intituled, *Imposition of two shillings* per *hogshead*, made at *James' City*, *March* 23. 1661. The act intituled, *An act for the imposition of two shillings* per *hogshead*, made there *December* 2, 1662, The act intituled, *Castle duties to be paid*, made *March* 23. 1661.: And all former acts for levying two shillings *per* hogshead, on tobacco exported, castle duties, tunnage, or head-money, be repealed.

III. 4 *Ann*, (1705) *cap.* 2. Every other act, clause and article, for so much as relates to elections of burgesses, settling their privileges, ascertaining their allowances, repealed.

IV. 4 *Ann*, (1705) *cap.* 8. The same as to public claims.

V. ———— *cap.* 29. The same as to duty on skins and furrs.

VI. ———— *cap.* 30. The same as to suppression of vice.

VII. ———— *cap.* 47. The same as to embargoes.

VIII. 9 *Ann*, (1710) *cap.* 5. The same as to a public revenue.

IX. 12 *Ann*, (1713) *cap.* 4. The same as to registering births, christenings, and burials.

X. 12 *Geo.* II. (1738) *cap.* 14. The same as to deer killing.

XI. 18 *Geo.* II. (1744) *cap.* 2. So much of 4 *Ann*, *cap.* 30, as relates to any thing within the purview of this act.

XII. 22 *Geo.* II. (1748) *cap.* 4. The same as to orphans and their estates.

XIII. 22

XIII. 22 *Geo.* II. (1748) *cap.* 5. The ſame as to probats and administrations.

XIV. ——————— *cap.* 7. The ſame as to county courts.

XV. ——————— *cap.* 8. The ſame as to frivilous and vexatious ſuits.

XVI. ——————— *cap.* 10. The ſame as to ſheriffs.

XVII. ——————— *cap.* 11. The ſame as to juries.

XVIII. ——————— *cap.* 12. The ſame as to executions.

XIX. ——————— *cap.* 13. The ſame as to criminals.

XX. ——————— *cap.* 15. The ſame as to rents.

XXI. ——————— *cap.* 16. The ſame as to ferries, except 18 *Geo.* II.

XXII. ——————— *cap.* 17. The ſame as to ſeamen.

XXIII. ——————— *cap.* 18. The ſame as to poor.

XXIV. ——————— *cap.* 19. The ſame as to ſurveyors.

XXV. ——————— *cap.* 20. The 4 *Ann*, *cap.* 15. as to treſpaſſes, repealed.

XXVI. ——————— *cap.* 21. Every act, *&c.* as to tithables.

XXVII. ——————— *cap.* 22. The ſame as to carrying perſons out of the country.

XXVIII. ——————— *cap.* 23. The ſame as to freight tobacco.

XXIX. ——————— *cap.* 25. The 5 and 6 *Geo.* II. *cap.* 8. as to book debts, repealed.

XXX. ——————— 26. Every act, *&c.* as to water-mills.

XXXI. ——————— 27. The ſame as to ſtorehouſes.

XXXII. ——————— 28. The ſame as to highways, mill-dams, and bridges.

XXXIII. ——————— 29. The ſame as to clearing rivers and creeks.

XXXIV. ——————— 30. The ſame as to ordinaries.

XXXV. ——————— 31. The ſame as to gaming.

XXXVI. ——————— 32. The ſame as to marriages.

XXXVII.

XXXVII. 22 *Geo.* II. (1748) *cap.* 33. The ſame as to proteſted bills, *&c.*

XXXVIII. ——————— 34. The ſame as to the ſupport of the clergy.

XXXIX. ——————— 36. The ſame as to cuſtoms, *&c.*

XL. ——————— 37. The ſame as to uſury.

XLI. ——————— 38. The ſame as to government of ſlaves.

XLII. ——————— 40. The ſame as to horſes and mares.

XLIII. ——————— 41. The 4 *Ann*, *cap.* 14. as to ſtealing hogs, repealed.

XLIV. ——————— 42. Every act, *&c.* as to drivers of cattle.

XLV. ——————— 43. The ſeveral acts following repealed as uſeleſs, obſelete, or provided for.

13 *Car.* II. (1661) *cap.* 14. Burial of ſervants or others privately, prohibited.

—— —— — —— 61. Judgments before commiſſioners.

—— — —— —— 62. Perſons removing into the bay.

— — —— — — 63. *Engliſh* weights and meaſures.

—— —— — —— 67. Orphan's lands not to be aliened.

— —— — — 70. Seating upon others dividends.

— — — —— 112. Two acres of corn for each tithable.

—— — — — 116. Exportation of money.

—— (1662) —— 3. Baptiſm of children.

— — — — — 5. Puniſhment of ſcandalous perſons.

—— —(1663)—— 17. *Northern Indians.*

18 *Car.*

	18 *Car.* II. (1666) *cap.*	22.	Law books for each county.
	—— —— 1668 ——	5.	Work-houſes.
	—— — —— ——	8.	Property of tobacco.
	— —— 1672 —	7.	Vagabonds and poor children.
	— — 1674 ——	4.	Juſtices expences.
	—— —— 1680 ——	14.	*Indians.*
	—— — 1682 —	8.	Acts of aſſembly.
	— —— 1684 —	2.	Tobacco plants.
	—— — 1691 —	12.	Tanners, curriers, and ſhoe-makers.
	—— — 1705 ——	17.	Frontiers.
	—— —— ———	25.	*Indian*'s hunting.
	27 *Geo.* II. (1753) *cap.*	4.	General court.
	—— —— —— —	7.	Servants.
XLVI.	22 *Geo.* II. (1748) *cap.*	44.	The 4 *Ann, cap.* 13. as to waifts and ſtrays.
XLVII.	————————	45.	Every act, *&c.* as to the public priſons.
XLVIII.	————————	46.	The ſame as to iron works.
XLIX.	————————	47.	The ſame as to attornies.
L.	————————	48.	The ſame as to tar and hemp.
LI.	————————	49.	So much of 4 *Ann, cap.* 6. as relates to the gauge of barrels for pork, beef, *&c.*
LII.	————————	50.	Every act, *&c.* as to killing wolves.

REVENUE.

32 *Car.* II. (1680) *cap.* 2.

§ I. FOR every hogſhead of tobacco exported, the exporter ſhall pay two ſhillings current money of *England*, and ſo for every five hundred pounds of tobacco exported in bulk, or otherwiſe, and ſo proportionably; the ſame to be to the king, his

his heirs and successors, for, and towards maintenance of the governor, and other officers, and for the fort and fortifications, and other contingent expences, necessary for support of this govenment.

II. Every vessel coming into this colony, shall pay for every ton such vessel contains, half a pound of gun-powder, and three pounds of leaden shot, or one shilling and three pence sterling, in lieu thereof; also six pence *per* poll for every person imported, not being actually a mariner in pay, to the king, *&c.* for the uses aforesaid.

III 9 *Ann*, (1710) *cap.* 5. For every hoshead, box, chest, case, or barrel of tobacco exported by water, the skipper shall pay two shillings sterling; and so, for every five hundred pounds of tobacco shipped in bulk for exportation, and so proportionably.

IV. The said duty shall be paid for all tobacco shipped in this colony for exportation, though not made here.

V. Every vessel entered here to lade or unlade, shall pay for port duties, one shilling and three pence sterling for every ton such vessel is of burthen; the same to be but once paid in one voyage.

VI. Such vessel shall be measured by the length of the gun-deck, deducting three fifths of the greatest breadth, from outside to outside, and multiplying the product, by the breadth, from out to out, and that product again, by half the said breadth; and that product divided by ninety four, will give the true contents of the tunnage; according to which the said port duties shall be paid.

VII. Every vessel entered here to unlade, shall pay six pence *per* poll for every passenger, servant, slave, or other person imported, except the mariners in actual pay.

VIII. Every master of a vessel making a short entry of the number of persons imported, shall forfeit ten pounds current money; one moiety to the king, *&c.* the other to the informer; to be recovered by action of debt, in any court of record.

IX. The

IX. The duties aforesaid, shall be paid to the several collectors and officers appointed to receive the same, for the uses and purposes mentioned *sect.* 1.

X. For collecting and receiving them, the governor, or commander in chief, with advice of the council, may appoint as many officers as shall be found necessary, and allow them such salary, not exceeding ten *per cent.*, as shall be thought reasonable.

XI. The governor, or commander in chief, with the advice of the council, may give and allow to every master of a vessel, or other person, giving in a true account, and paying down the whole duties of a ship, in one entire sum, in money, or bills of exchange, to the satisfaction of the collector, such reasonable abatement, not exceeding ten *per cent.* as shall be adjudged fitting.

XII. Provided, Every vessel wholly belonging to the inhabitants of this colony, shall be allowed the said duties of two shillings, and one shilling and three pence, accruing due upon her lading tobacco, and for port duties, to the use of the owners; and every collector of those duties, shall allow the same accordingly, to the master of every such vessel upon his clearing.

XIII. No vessel shall be taken to belong wholly to the inhabitants of this colony, until proof thereof made, by the oath of one of her owners, before the governor, or commander in chief, and his testimonial thereupon had, under the colony seal; or until such proof made before the general court, and certificate thereupon had from the clerk of the said court, under the seal of his office: And no collector of the said duties shall allow any vessel the said privilege, unless the master of the said vessel, at the time he demands the same, produces a testimonial or certificate as aforesaid, and makes oath, that he doth not know that any part of the said vessel belongs to any person whatsoever, not being an inhabitant of *Virginia*.

XIV. All acts, *&c.* relating to any thing within the purview of this act, repealed.

RIVERS and CREEKS.

22 *Geo.* II. (1748) *cap.* 29.

§ I. WHERE any river or creek is in one county only, the court of ſuch county ſhall contract with any perſon or perſons they ſhall think fit, to clear the ſame, as far as it ſhall be paſſable for loaded boats, if ſuch obſtructions were removed, and levy ſo much tobacco in their county levy as ſhall be ſufficient to diſcharge ſuch agreement; and where any river or creek ſhall divide two or more counties, the court of every ſuch county ſhall join in ſuch agreement, and levy the charge thereof in proportion to the number of tithables in each county; provided, nothing herein ſhall oblige any county court to contract for removing rocks, or ſuch obſtructions in any river or creek, as cannot be removed without the force of gun-powder; or the courts of any counties adjoining to the rivers *Meherin*, *Nottoway*, *Roanoke*, and *Rappahannock* above the falls thereof, to contract for clearing any of them.

II. Any perſon ſetting, or cauſing a weir to be ſet in any river or creek, paſſable as aforeſaid, and not cauſing the ſtakes to be taken up again as ſoon as the weir becomes uſeleſs, ſhall forfeit fifteen ſhillings to the informer, recoverable before a juſtice.

III. Every perſon felling a tree, or cauſing the ſame to be felled into any river or creek, or any run whereon there ſhall be any public bridge, and failing to cut and carry away the ſame within forty eight hours after ſuch felling, ſhall forfeit fifteen ſhillings for every tree ſo felled, and not cut and carried away; to be recovered before any juſtice of the county, to the uſe of the informer.

IV. All hedges or ſtone-ſtops, made croſs any river, or creek, or run, ſhall be taken up, and deſtroyed by the perſon or perſons who made or placed the ſame; and no hedge or ſtone-ſtop that ſhall in any wiſe obſtruct the courſe or paſſage of the ſame, ſhall be placed or ſet therein, and any perſon may pull up or deſtroy all ſuch hedges, or ſtone-ſtops at any time; and every perſon who

who ſhall not pull up and deſtroy every hedge and ſtone-ſtop by him ſet up, or who ſhall ſet up, or make any ſuch as aforeſaid, ſhall forfeit one thouſand pounds of tobacco for every ſuch offence: And if after conviction, the perſon ſo offending ſhall ſuffer ſuch hedge or ſtone-ſtop to continue, without pulling up, and deſtroying the ſame, he ſhall, for every week the ſame ſhall be ſuffered to remain, forfeit two hundred pounds of tobacco, both which forfeitures ſhall be recovered with coſts, by action of debt, in any court of record, wherein the ſame ſhall be cognizable; one moiety to the informer, and the other to the king, for the uſe of that county, towards leſſening the county levy.

V. Provided, Nothing herein ſhall extend to any mill built upon a river above navigable water, or to any mill built or to be built purſuant to the laws relating to water mills.

VI. Provided alſo, Nothing herein ſhall be conſtrued to reſtrain any perſon, having land on both ſides of a creek to the head thereof, to ſet hedges or ſtops, or to uſe and occupy the ſame, as he or ſhe might have done before the making of this act, ſo that there is no public landing above the ſaid hedges or ſtops.

VII. 22 *Geo.* II. (1748) *cap.* 36. *ſect.* 13. The court of every county, adjacent to every navigable river or creek, ſhall appoint one or more fit perſon or perſons, reſiding convenient to the place or places where veſſels uſually ride, to be overſeers and directors of the delivery, and bringing on ſhore from on board any veſſel within their reſpective diſtricts, all ballaſt intended to be unladen or delivered; and the clerk of ſuch court ſhall deliver to the ſheriff of his county an atteſted copy of every ſuch appointment, to be by him ſerved upon the perſon ſo appointed, or left at his place of abode, of which the ſheriff ſhall make due return; and thereupon every ſuch perſon ſhall appear before the court next thereafter held for his county, and make oath that he will, when required, diligently attend the delivery of ballaſt from on board any ſhip or veſſel within his diſtrict, and will not knowingly permit the ſame, or any part thereof to be caſt into the water, where navigable, but will direct, and to the beſt of

his power, cauſe all ſuch ballaſt to be brought and laid on ſhore, according to law, and that he will truly and faithfully execute his office without favour, partiality, or malice.

VIII. If any perſon ſo nominated, and having notice thereof, unleſs hindered by ſickneſs, or other legal diſability, ſhall fail to appear before the ſaid court, or ſhall refuſe to be ſworn, he ſhall be fined twenty pounds; and ſuch court upon every ſuch failure or refuſal, or upon the death, removal, or other legal diſability of any perſon appointed and ſworn as aforeſaid, ſhall, from time to time, appoint another in his room, who ſhall take the ſame oath; and upon failure or refuſal, to pay the like fine, which every ſuch court ſhall cauſe to be levied by the ſheriff, and by him paid to the treaſurer of this colony, to be applied towards the charge of clearing rivers and creeks, or as the aſſembly ſhall direct.

IX. Every perſon ſo appointed and ſworn, upon notice given him by the maſter of any veſſel when he intends to diſcharge ballaſt, ſhall forthwith go on board, and attend till the ſame be delivered, which he ſhall ſee brought and laid on ſhore at ſuch convenient place or places near the veſſel, where it may not obſtruct navigation, nor be waſhed into the channel, and thereupon ſhall give the maſter a certificate, that the ballaſt on board his veſſel has been duly unladen and brought on ſhore, according to law; and for his attendance may demand and receive five ſhillings for every day he ſhall attend as aforeſaid, to be paid by the maſter before certificate given: And if any ſuch officer ſhall fail or neglect to perform his duty hereby directed, he ſhall forfeit and pay twenty pounds for every ſuch neglect or failure.

X. Every maſter of a veſſel having ballaſt to unlade, ſhall give notice thereof in writing to ſome officer appointed in the diſtrict where the veſſel rides, and appoint the time of ſuch officer's attendance, and at the time of his clearing out ſhall produce to the officer of the cuſtoms, by whom he ſhall be cleared, a certificate of his having unladen and brought his ballaſt on ſhore, as by this act required: And if any ſuch maſter ſhall unload any ballaſt before notice given as aforeſaid; or caſt, or ſuffer to be

caſt

cast over board, or land, or suffer the same to be put on shore at any other place, or in any other manner than directed by the proper officer appointed by virtue of this act, he shall forfeit and pay fifty pounds for every such offence. And if, at the time of his clearing out, he shall fail to produce and deliver to the officer of the customs, by whom he shall be cleared, such certificate as herein before required, such failure shall amount to a conviction, and he shall be liable to the said penalty of fifty pounds.

XI. Provided, Nothing herein shall be construed to restrain the master of any vessel bringing lime-stone, chalk, bricks, or stone for building, to lade the same on board any other vessel to be carried to any place he shall think fit; and the person appointed to see ballast unladen, shall permit the same to be done.

XII. When any *Negro*, or other person, shall die on board any vessel, the master thereof shall cause the dead body to be brought and buried on shore, above high-water mark, four feet deep, at the least, on penalty of forfeiting for neglect therein, or suffering such dead body to be cast into the water, fifty pounds.

XIII. All forfeitures arising by this act, not before appropriated, shall be one moiety to the king, to be paid to the treasurer to the uses in *sect.* 8. and the other to the informer; recoverable with costs, by action of debt or information, in any court of record.

XIV. 25 *Geo.* II. (1752) *cap.* 40. Trustees were appointed to clear *Appamattox*, and *Pamunkey* rivers, by subscription, who were impowered to agree with any persons to clear the same, and remove all stops and hedges therein, with divers other powers necessary for that purpose.

XV. 27 *Geo.* II. (1753) *cap.* 22. Trustees were appointed to clear *Mattapony* river by subscription, with like powers.

RULES.

27 *Geo.* II. (1748) *cap.* 1. *sect.* 24.

§ I. ALL rules to plead, reply, rejoin, or for further or other proceedings, shall be given from month to month

after

after the firſt rule for pleading expired, and not be out in leſs that a kalendar month.

II. No rule ſhall be given between month and month, to the intent that all attorneys and others, by inſpecting the rule book to be kept by the clerk of the court, may be more certainly and readily informed what proceedings have been, or are to be in the ſeveral cauſes there depending.

III. *Sect.* 28. Rules to plead, reply, rejoin, and for further proceedings in chancery, when neceſſary, ſhall be given from month to month.

IV. No rule to rejoin (in chancery) ſhall be given before a replication ſhall be filed,

RUNAWAYS.

22 *Geo.* II. (1748) *cap.* 17.

§ I. EVERY ſeaman running away, or abſenting from the veſſel he belongs to, may be taken up by any perſon, and by warrant from a juſtice of the county where he is taken up, conveyed from conſtable to conſtable, till he be put on board the veſſel he belongs to; and the conſtable delivering ſuch ſeaman on board, ſhall take a receipt for him from the maſter, mate, or other officer, which being produced by him to the naval officer of the diſtrict where ſuch veſſel rides, before ſhe is cleared, ſhall intitle him to a reward of five ſhillings for every runaway taken up ten miles or under, from the place where the veſſel rides, and if above ten miles ten ſhillings; to be reimburſed by the commander of the ſaid veſſel, at, or before his clearing out.

II. Such juſtice ſhall grant a certificate to the taker up, reciting his or her name, the name of the runaway, and of the ſhip or veſſel to which he belongs, the place where taken up, and whether it be ten miles, or more or leſs from ſuch veſſel, and that the taker up made oath before him to the place of taking: which certificate being produced to the naval officer as aforeſaid, ſhall intitle the taker up to a reward of twenty ſhillings for every ſuch runaway taken at the diſtance of ten miles or more, and

ten

ten ſhillings if under ten miles; to be paid and reimburſed as aforeſaid.

III. If the veſſel to which ſuch runaway belongs be gone out of the country before he is taken, or can be put on board, he may be delivered to the commander or maſter of any ſhip or veſſel willing to receive him, and pay the ſaid rewards.

IV. The naval officers may pay the ſaid rewards out of the revenue of two ſhillings *per* hogſhead; provided, due care be taken that the ſame be reimburſed as herein before directed.

V. Every conſtable or other officer charged with conducting runaway ſeamen, and wittingly, willingly, or negligently ſuffering ſuch ſeaman to eſcape, or failing to deliver the receipt aforeſaid, to the naval officer of the diſtrict, in due time as before directed, ſhall forfeit fifty ſhillings current money for every ſuch offence, to the king; recoverable with coſts, by action of debt or information, in any county court.

VI. No ſeaman, not being employed by his commander, ſhall travel in this colony without certificate under the hand of his laſt maſter or commander, that ſuch ſeaman is by him diſcharged. And every ſeaman found travelling without ſuch certificate, may be taken up as a runaway, and conveyed on board in the manner herein before directed; and in ſuch caſe the perſon taking up, and conveying ſuch ſeaman ſhall be intitled to the ſame rewards, and liable to the like penalties upon any eſcape.

VII. 27 *Geo.* II. (1753) *cap.* 7. *ſect.* 16. Every ſervant on expiration of his or her time, and proof thereof made before the court of the county where he or ſhe laſt ſerved, ſhall have his or her freedom recorded, and a certificate thereof from the clerk, ſhall be ſufficient to authorize any perſon to entertain ſuch ſervant: And if ſuch certificate is worn out or loſt, the clerk, upon requeſt, ſhall iſſue another, reciting the loſs of the former.

VIII. Any perſon harbouring or entertaining a ſervant not having ſuch certificate, ſhall pay the owner thirty pounds of tobacco for every natural day he or ſhe ſhall entertain ſuch runaway; to be recovered with coſts, by action of debt, in any county court.

IX. If

IX. If any runaway ſhall uſe a forged certificate, or after delivery of a true certificate to the perſon hiring him or her, ſhall ſteal the ſame, and thereby procure other entertainment, the perſon entertaining or hiring ſhall not be liable to the ſaid penalty; but the ſaid runaway, beſides reparation for the loſs of time and charges of recovery, in the manner herein after directed, ſhall ſtand two hours in the pillory on a court day; and the perſon forging ſuch certificate ſhall forfeit ten pounds current money; one half to the king, the other to ſuch ſervant's owner, or the informer; to be recovered with coſts in any county court: and on failure of preſent payment, or ſecurity for the ſame within ſix months, ſuch offender ſhall receive, on the bare back, thirty nine laſhes well laid on, at the common whipping-poſt.

X. When a runaway ſhall be hired upon a forged certificate, and denies the delivery thereof, the *onus probandi* ſhall lie upon the perſon hiring.

XI. For every runaway ſervant or ſlave, taken up ten miles or more from his or her uſual place of abode, the taker up ſhall be entitled to a reward of two hundred pounds of tobacco; and if above five miles, and under ten, one hundred pounds of tobacco, which ſhall be paid, by the public in the county where the taker up reſides, and levied by the public upon the owner of ſuch runaway.

XII. The taker up ſhall forthwith bring ſuch ſervant or ſlave before a juſtice of the county where taken, and if he or ſhe appears to be runaway, the juſtice ſhall grant the taker up a certificate, reciting the proper name and ſirname of the taker up, the county of his or her reſidence, the time and place of taking up, the name of the runaway, the proper name and ſirname of his or her owner, the county of his or her reſidence, with the diſtance of miles in the ſaid juſtice's judgment from the houſe or quarter where ſuch runaway was kept.

XIII. Such juſtice ſhall iſſue his warrant to the next conſtable requiring him to receive ſuch runaway, and give him or her ſuch a number of laſhes, not exceeding thirty nine, as ſuch juſtice ſhall think fit, and then to convey and deliver him or her to the next con-

conſtable, and ſo from conſtable to conſtable, until ſuch runaway be delivered to his owner or overſeer.

XIV. Every conſtable to whom ſuch runaway, and warrant ſhall be produced, ſhall execute the ſame, and give a receipt upon the delivery of the runaway to him, under the penalty of forfeiting two hundred pounds of tobacco to the church-wardens of the pariſh where ſuch conſtable lives; to be recovered with coſts, by action of debt, in any county court, to the uſe of ſuch pariſh.

XV. The corporal puniſhment ſhall not deprive the owner of ſuch runaway from the ſatisfaction by this act required to be made by ſervants for running away.

XVI. Every *Negro*, or other perſon, taken up and brought before any juſtice, and cannot, or will not declare the name of his or her owner, ſhall, by warrant under ſuch juſtice's hand, be committed to the goal of the county where taken up.

XVII. The ſheriff or goaler to whoſe cuſtody the ſaid runaway is committed, ſhall forthwith cauſe notice thereof, and a deſcription of ſuch runaway, and his or her cloathing, to be ſet upon the court-houſe door of the ſaid county, and there continued two months, if no owner appears in that time, and ſhall alſo ſend a copy thereof to the clerk or reader of every church within his county, to be by him publiſhed, and affixed in ſome open and convenient place near the church every ſunday, during two months from the date thereof, unleſs the owner appears ſooner, under penalty of five hundred pounds of tobacco on every ſheriff or goaler, two hundred pounds of tobacco on every clerk or reader failing; one moiety to the king, the other to the informer; to be recovered with coſts, by action of debt or information, in any county court.

XVIII. Such runaway ſhall be delivered to his or her owner, when demanded, ſatisfying the ſheriff's fees, and two hundred pounds of tobacco, or twenty ſhillings for the taking up.

XIX. If no owner appears, or claims within two months, the ſheriff ſhall cauſe the ſaid runaway to be delivered to the next conſtable, to be conveyed from conſtable to conſtable, to the

public goal of this colony, and delivered to the keeper thereof, by ſuch warrant, and to receive ſuch puniſhment as is herein before directed.

XX. The ſaid keeper ſhall receive ſuch runaway, and give a receipt, and publiſh an advertiſement, and a deſcription of the perſon and cloaths in the *Virginia* Gazette, and continue the ſame three months, if no owner appears; and upon application to the neareſt county court to the ſaid goal, with conſent of the ſaid court, may hire ſuch runaway to any perſon, and for ſuch wages and time as they ſhall approve and direct, out of which hire, all charges for taking up, impriſonment, conveying to goal, maintaining and releaſing ſuch runaway ſhall be firſt paid, and the overplus diſpoſed of, as ſuch court ſhall direct.

XXI. But the ſaid keeper ſhall cauſe an iron collar to be put on ſuch runaway's neck, with the letters (P. G.) ſtamped thereon, at the time of delivering him or her to the perſon hiring, which ſhall indemnify him from any eſcape afterwards; and thereafter the ſaid keeper ſhall not be anſwerable for ſuch runaway's eſcape.

XXII. For every runaway ſo hired out, the ſaid keeper ſhall be allowed one fee for commitment, and the ſame for releaſement, and no more.

XXIII. If any ſuch runaway dies in goal, the reward for taking up, and all other fees incident, ſhall be defrayed by the public.

XXIV. Provided, When the owner demands ſuch runaway, the perſon to whom he or ſhe was hired ſhall forthwith deliver him or her to the keeper of the public goal, and then pay the hire, in proportion to the time ſuch runaway hath ſerved; and if that be not ſufficient to ſatisfy all charges, the owner paying down the reſidue, ſhall have him or her delivered.

XXV. Before any ſuch ſlave be delivered by the keeper of the public goal, the perſon claiming ſuch ſlave, ſhall apply to the court of the county where he reſides, and make proof of his having loſt a ſlave, anſwering the deſcription publiſhed by the ſaid keeper in the Gazette, and obtain certificate thereof; and alſo, there give ſecurity to anſwer all damages, if it ſhall thereafter appear

pear, that the ſlave he ſhall thereupon receive from the ſaid keeper, doth really belong to ſome other perſon: And on producing ſuch certificate to the keeper aforeſaid, and making oath before ſome magiſtrate of *Williamſburg*, That the ſlave who ſhall be there preſent is his, or the ſlave of ———— for whom he appears, the ſaid keeper ſhall deliver the ſaid ſlave.

XXVI. If no owner appears to claim ſuch runaway, the county court ſhall, after the charges aforeſaid are paid and ſatisfied, cauſe ſuch runaway to be ſold at public auction by the ſheriff; and the money ariſing by the ſale ſhall be paid to the treaſurer of this colony, and applied by him to the uſe of the public; but if the owner ſhall at any time afterwards prove his property in the ſaid runaway, the ſaid treaſurer ſhall repay him or her the money ſo received, and be allowed the ſame in his account.

XXVII. When any runaway ſhall have croſſed *Cheſapeak* bay, and be brought before a juſtice of any county lying upon the ſaid bay, ſuch runaway ſhall be committed to a ſheriff, and not a conſtable; but if he or ſhe, after croſſing the bay, ſhall get up into ſome other county more remote, ſuch runaway ſhall be committed to a conſtable, and ſo from conſtable to conſtable, till delivered to the ſheriff of ſome county adjoining to the bay aforeſaid; and every ſuch ſheriff ſhall receive ſuch runaway, and forthwith cauſe him or her to be tranſported again croſs the bay, and delivered to a conſtable, there to be conveyed as herein before directed; and for his trouble and charge ſhall, for every ſuch runaway, be paid five hundred pounds of tobacco by the public, to be reimburſed by the owner of ſuch runaway.

XXVIII. If any ſheriff or his officer, ſhall ſuffer ſuch runaway to work, ſo as to occaſion any delay, ſuch ſheriff or officer ſhall forfeit to the owner of ſuch runaway, one thouſand pounds of tobacco; to be recovered with coſts, by action of debt, in any county court.

XXIX. When a runaway belonging to any inhabitant of *Maryland*, or *Carolina*, ſhall be brought before a juſtice, he or ſhe ſhall be committed to the county goal, and the ſheriff or goaler, ſhall cauſe advertiſements to be publiſhed in the ſame manner, and

and for the ſame time as herein before directed to be done by the keeper of the public goal; and if no owner appears, may, with conſent and approbation of his county court, hire out ſuch runaway, and pay the reward for taking up, which ſhall be reimburſed out of the hire, or by the owner, together with all charges, if the hire be not ſufficient: And all money and tobacco ariſing by ſuch hire of the runaway, till claimed by his or her owner, ſhall be to the uſe of ſuch ſheriff or goaler, and he may demand and receive of ſuch owner the like fees and charges as are demandable in the province where ſuch owner reſides, for runaways, belonging to *Virginia* owners, taken up there.

XXXI. Every ſheriff, conſtable, or other officer, charged with conducting runaways, may impreſs men and horſes, where neceſſary, for the ſafe conveying the perſon or perſons wherewith he ſtands charged: And if ſuch officer ſhall ſuffer ſuch runaway to eſcape, he ſhall be liable to the party grieved for recovery of damages, and coſts at the common law.

XXXI. The keeper of the public goal may demand, and take for the commitment of every runaway, two ſhillings, or twenty pounds of tobacco, and the ſame for releaſement; and for every twenty four hours keeping him or her in goal ſix pence, or five pounds of tobacco, and no more. And he, or any ſheriff or goaler, demanding and taking any other or greater fee, than is or ſhall be by law allowed for runaways, ſhall, for every offence, forfeit twenty ſhillings to the party grieved; and alſo, refund all money or tobacco received over and above the legal fees; recoverable with coſts before any juſtice of the county where ſuch offence is committed.

XXXII. Every runaway ſervant, for taking up whom any reward ſhall be paid, ſhall, for every hundred pounds of tobacco ſo paid by the owner, and for all neceſſary diſburſements and charges expended in purſuit and recovery of ſuch runaway, ſerve ſuch owner after his or her time expired, one month and an half, and ſhall alſo ſerve double the time of his or her abſence, to be adjudged and allowed by the court of the county where the owner reſides, or where the runaway is kept, at the next court held

after

after his or her recovery, he or ſhe being alſo brought before them; but if the owner neglects ſo to do, the court may allow or reject ſuch claim without any appeal.

XXXIII. Provided, If any ſervant ſhall, at the time he or ſhe is adjudged, repay, or give good ſecurity before the court for payment of all charges and diſburſements, within ſix months after, the maſter or owner ſhall accept thereof in lieu of ſervice.

XXXIV. 22 *Geo.* II. (1748) *ſect.* 21. Where any ſlaves run away, and lie out hid and lurking in ſwamps, woods, and other obſcure places, killing hoggs, or committing other injuries, in all ſuch caſes, upon intelligence given thereof, any two juſtices (*quorum unus*) of the county where ſuch ſlaves are ſuppoſed to lurk or do miſchief, ſhall iſſue proclamation againſt all ſuch ſlaves, reciting their names, and owners names if known, requiring them forthwith to ſurrender; and alſo, impowering the ſheriff of the ſaid county to take ſuch power with him as he ſhall think fit, for the effectual apprehending ſuch outlying ſlave or ſlaves, and go in ſearch of them; which proclamation ſhall be publiſhed on two ſabbath days, at the door of every church in the county, by the clerk or reader, immediately after divine ſervice; and if any ſlave, againſt whom proclamation thus iſſued and publiſhed at any church as aforeſaid, does not immediately return home, any perſon or perſons may lawfully kill and deſtroy ſuch ſlave, without accuſation or impeachment of any crime for the ſame.

XXXV. Where any ſlave ſhall be notoriouſly guilty of going abroad in the night, or running away and lying out, and cannot be reclaimed from ſuch diſorderly courſes by the common methods of puniſhment, the county court, upon complaint, and proof thereof made by the owner, may order ſuch ſlave to be puniſhed by diſmembering, or any other way, not touching life, as they ſhall think fit; and if ſuch ſlave ſhall die by means of ſuch diſmembering, no forfeiture or puniſhment ſhall be thereby incurred.

SAB-

SABBATH.

4 *Ann*, (1705) *cap*. 30. *sect*. 7.

§ I. IF any person of full age shall absent from divine service at his or her parish church or chapel, the space of one month (except such Protestant dissenters as are excepted by the act of parliament made in the first year of king *William* and queen *Mary*) and shall not, when there, in a decent and orderly manner continue till the service be ended. And if any person shall, on the Lord's day, be present at any disorderly meeting, gaming, or tippling, or travel upon the road, except to and from church (cases of necessity and charity excepted) or be found working in their corn, tobacco, or other labour of their ordinary calling, other than is necessary for the sustenance of man or beast: Every such person being lawfully convicted of any such default or offence, by confession or otherwise, before one or more justice or justices of the county, within two months after such default or offence made or committed, shall forfeit and pay five shillings, or fifty pounds of tobacco for every such default or offence; and on refusal to make present payment, or give sufficient caution for payment thereof at the laying the next parish levy, shall, by order of such justice or justices, receive, on the bare back, ten lashes, well laid on.

II. 18 *Geo*. II. (1744) *cap*. 2. *sect*. 4. Any person presented by the grand jury, or prosecuted by the church-wardens, or otherwise, for absenting from divine service at his or her parish church or chapel the space of one month, making appear by the oath of one or more credible witness or witnesses, that he or she hath been at divine service at any other church or chapel within the space for which he or she shall be so presented for being absent, shall be discharged, and the presentment or prosecution dismissed.

SALT

SALT PETRE.

19 *Geo.* II. (1745) *cap.* 12.

§ I. THE ſum of one thouſand pounds ſhall be appropriated and paid, as a reward or premium to the perſon or perſons who ſhall make or cauſe to be made, good and merchantable ſalt petre, that is to ſay, Three pence for every pound.

II. Every perſon making the ſame ſhall apply to the court of the county where it is made, who ſhall order two honeſt and ſkilful perſons to view, try, and weigh all barrels, caſks, or parcels of ſalt petre ſo made, and to return to the ſaid court an account, upon oath, of the neat weight of all ſuch ſalt petre as they ſhall adjudge to be good, ſound and merchantable; and on ſuch return, and the oath, or ſolemn affirmation of the perſon claiming the reward, that the ſalt petre ſo produced to the perſons appointed to view the ſame, was made in this colony, and that no perſon or perſons have before that time, received or intitled him, her or themſelves to the reward given by this act, the court of the ſaid county ſhall immediately certify the ſame to the treaſurer of this colony, who, upon producing ſuch certificate, ſhall pay all ſuch ſum or ſums of money as ſhall appear to be due by virtue of this act.

III. Every perſon who, in obtaining any certificate to entitle himſelf to the reward hereby given, ſhall make a falſe oath, and be thereof lawfully convicted, ſhall incur the pains and penalties inflicted by law on perſons committing wilful and corrupt perjury.

SEATING LANDS.

4 *Ann,* (1710) *cap.* 13. *ſect.* 18.

§ I. IF upon a new ſurvey of lands heretofore granted, there ſhall appear to be a greater number of acres within the bounds expreſſed than are mentioned in the patent, the proprietor and poſſeſſor of ſuch lands may ſue forth a new patent, ex-

preſſing more exactly the juſt quantity, without being obliged to make any new ſeating, notwithſtanding the proviſo for that purpoſe in ſuch new patent, any thing in this act to the contrary. And where any perſon hath heretofore taken up a tract of land, adjoining any land heretofore in ſuch perſons poſſeſſion, and ſhall thereupon have obtained a double patent wherein both tracts ſhall have been joined together, ſuch perſon ſhall not be obliged to make any new ſeating by reaſon of the two tracts being joined in one, notwithſtanding any thing in the proviſo of ſuch double patent.

II. Provided, Nothing herein ſhall be conſtrued to give liberty to any perſon hereafter to ſue forth ſuch double patent, and to enjoy the lands therein granted (by virtue thereof) without ſeating that part of the land ſo taken up, and joined to the land formerly in ſuch perſons poſſeſſion, according to the proviſo in ſuch patent.

III. 12 *Ann*, (1713) *cap*. 3. No ſurvey of lands ſhall hereafter be made in order to obtain a patent, but by a ſworn ſurvey, or duly commiſſioned; and in all ſuch ſurveys the breadth of the tract ſhall bear at leaſt the proportion of one third part of the length, except where the courſes are interrupted by rivers, creeks, unpaſſable ſwamps, or the bounds of lands before taken up: And in all ſuch ſurveys the ſurveyor is required to take particular notice, according to the beſt of his judgment, how much of the land ſo ſurveyed is plantable, and how much barren and unfit for preſent cultivation, and to inſert in the ſurvey and plot by him returned into the ſecretary's office, the true quantity of each kind.

IV. For all lands ſurveyed before the laſt day of *October* 1713. one third part of the tract mentioned in each ſurvey ſhall be accounted plantable, and the other two thirds barren.

V. For every fifty acres of land accounted plantable, the patentee ſhall, within three years after the date of the patent, clear, tend, and work three acres, and ſo proportionably for a greater or leſſer quantity in ſome part of the tract, or elſe clear and drain three acres of ſwamp, or ſunken grounds, or drain three acres

of

of marsh, if any within his bounds: And for every fifty acres of the said land accounted barren, such patentee shall, within the time aforesaid, put and keep on the said tract three neat cattle, or six sheep or goats, which shall be kept thereon till three acres for every fifty be fully improved, cleared and tended.

VI. If any person shall take up a tract of land, of which no part is fit for present cultivation without manuring and improving the same, such patentee shall, within three years after passing such grant, build on some convenient part of such tract one good dwelling-house after the manner of *Virginia* building, at least twenty feet long, and sixteen feet broad, and put and keep thereon three neat cattle, or six sheep or goats for every fifty acres of the said land; and if any person shall take up and patent any stoney or rocky grounds not fit for planting or pasturage; if such patentee, within three years after passing his grant, begins to employ thereon, and so continues to work for three years then next coming, in digging of any stone quarry, coal, or other mine, one good able hand for every hundred acres of the said tract, such improvement shall be accounted a sufficient seating within the meaning of this act.

VII. Provided, That every three acres of land cleared, tended and worked as aforesaid, or cleared or drained as aforesaid, shall be accounted a sufficient seating or improvement, to save from lapsing fifty acres in any part of the tract within the bounds of the same patent; and the patentee, his heirs and assigns, may after withdraw his stock, or forbear working in any quarry or mine, in proportion to such improvements as shall be made upon the plantable lands, swamps, sunken grounds and marshes included in the same patent.

VIII. For all lands entered for and surveyed before the eighth day of *December*, 1710. for which patents shall hereafter be sued out, there shall be allowed five years after the date of the patent to each patentee, to make such seating and improvement as by this act is prescribed.

IX. When any person hath seated or improved any land already patented or to be patented, or any part thereof, according to

the directions of this act, such patentee may prove such seating and improvement in the general court, or court of the county where such land lies, and have the same certified to the secretary's office, and thereentered with the record of the patent, a copy of which shall be admitted as good evidence on any trial, to prove the seating and planting of such land.

X. All lands hereafter seated or improved according to the directions, and within the time in this act mentioned, shall not be deemed forfeited, for not complying with the condition of cultivating and improving mentioned in the grant thereof.

XI. 7 *Geo.* I. (1720) *cap.* 3. If the patentee of any land not yet seated, shall clear and fence any ground for pasturage, for every three acres of such land well cleared and fenced, and used three years for a pasture, such patentee shall save fifty acres of such land.

XII. If the patentee of any land not yet seated, shall expend any money or tobacco in building houses, water-mills, or other works, planting trees and quick-set hedges, or making other improvements thereon, not mentioned in 12 *Ann*, *cap*. 3. such patentee for every ten pounds current money, or the value there of expended in tobacco, shall save fifty acres of such land, and so proportionably for a greater or lesser sum so expended.

XIII. The court of the county where such lands lie, upon application of the patentee or proprietor, his attorney, steward, or overseer, shall order the buildings, works, and improvements aforesaid, to be viewed by two or more honest and indifferent men, to be sworn truly to value the same according to the best of their judgment, having regard to such accounts of the expence thereof, as such patentee or proprietor, his attorney, steward, or overseer shall produce, and make out to them by oath, or otherwise: And such valuation so to be made and returned, shall be recorded in particular books for that purpose, and shall be adjudged sufficient proof of the cultivation and improvement, so as to save so much of the land from lapsing as by this act is directed.

XIV. Pro-

XIV. Provided, The ſeveral kinds of buildings and improvements ſhall be ſpecially mentioned, and upon what part of the land the ſame are made; and before ſuch valuation is admitted to record, the proprietor, his attorney, ſteward, or overſeer ſhall make oath in court, That none of the ſaid improvements have been before valued and recorded, in order to ſaving any of the ſaid lands.

XV. If any perſon ſhall include two or more tracts of land in one patent, the improvements made on any part of the ſaid unjoined tracts, ſhall be deemed to extend towards ſaving of the whole, in proportion to the ſeveral improvements made thereon.

XVI. Provided, Nothing herein ſhall be conſtrued to oblige the patentee of any lands heretofore granted to make any further or other cultivation or improvement thereon, than was required by the laws and inſtructions in force at the time of obtaining the grant thereof.

SEDITION.

32 *Car.* II. (1680) *cap.* 1. *ſect.* 13.

§ I. AND whereas during the licentiouſneſs of the late times, ſeveral ill diſpoſed perſons took upon them to aſperſe the government, and defame the governor and chief magiſtrates of the ſaid colony, raiſing falſe and ſcandalous reports, without which our good ſubjects there could not have been ſo eaſily led away, which cannot but tend to the future diſturbance of the peace and welfare thereof, if not timely prevented by inflicting puniſhments proportionable to the greatneſs of the crime.

II. *Be it therefore enacted*, By the king's moſt excellent majeſty, by and with the advice and conſent of the general aſſembly, That whoſoever ſhall, after paſſing this act, maliciouſly and adviſedly, by writing, ſpeaking, or otherwiſe, expreſs, publiſh, utter or declare any words, ſentences, or other thing or things, to incite or ſtir up the people to the diſlike of any perſon appointed by his majeſty to be governor, or commander in chief of the ſaid colony, or tending to the diſhonour or defaming him, and being

thereof legally convicted, ſhall be impriſoned one year, without bail or mainprize, and incur ſuch forfeiture as ſhall be adjudged, not exceeding five hundred pounds, to the king, his heirs and ſucceſſors.

III. Whoever ſhall maliciouſly and adviſedly by writing, ſpeaking, or otherwiſe, expreſs, publiſh, utter or declare any words, ſentences, or other things, to incite or ſtir up the people to the diſlike of his majeſty's counſellors, judges, or other principal officers within the ſaid colony, tending to the diſhonour or defamation of them, and being thereof lawfully convicted, ſhall be impriſoned three months, without bail or mainprize, and incur ſuch forfeiture as ſhall be adjudged, not exceeding one hundred pounds, to the king, his heirs and ſucceſſors.

SERVANTS.

27 *Geo.* II. (1753) *cap.* 7.

§ I. ALL ſervants, except convicts, imported into this colony without indenture, being Chriſtians of Chriſtian parentage, above nineteen years of age, ſhall ſerve but five years, and if under nineteen, till they become twenty four years of age.

II. Every ſervant under nineteen ſhall be carried to the court of the county where the maſter lives, within ſix months after the arrival here, to have his or her age adjudged by the court, otherwiſe to ſerve only five years; and the age of ſuch ſervant ſo adjudged and recorded, ſhall be accounted the true age, in reſpect to the time of ſervice.

III. All children ſhall be bound or free according to the condition of their mother, and the directions of this act: And where any female *Mulatto* or *Indian*, by law obliged to ſerve till the age of thirty one years, hath been, or ſhall be delivered of any child, during the time of her ſervitude, ſuch child ſhall ſerve the maſter or miſtreſs of ſuch *Mulatto* or *Indian*, until it ſhall attain the ſame age the mother of ſuch child was obliged by law to ſerve unto.

IV. All

IV. All owners of ſervants by act of parliament, indenture, or cuſtom, ſhall provide for them wholeſome and competent diet, cloathing, and lodging, and ſhall not give immoderate correction to, or whip a Chriſtian white ſervant naked, without order from a juſtice of the peace: And any perſon ſo whipping any ſuch ſervant without ſuch order, ſhall forfeit fifty ſhillings current money to the party injured; to be recovered with coſts, upon complaint made to the county court within ſix months after ſuch whipping.

V. All complaints of ſervants to a juſtice ſhall be received, who, if he finds cauſe, ſhall bind the owner over to anſwer the complaint at the next court to be held for his county, where it ſhall be determined; and all petitions of ſervants to the court of the county wherein they reſide, for diet, cloathing, lodging, correction, whipping, freedom, or freedom dues, ſhall be received at any time, without the formality of an action: Which court (having firſt ſummoned the owner to appear) may hear and determine the ſame in a ſummary way, and award execution thereupon: and where the ſame ſhall relate to diet, cloathing, lodging, or correction, may make ſuch order as ſeems juſt and neceſſary; and if the owner ſhall not comply with ſuch order, the court, upon a ſecond complaint, may order ſuch ſervant to be immediately ſold by the ſheriff, by public auction, for the reſidue of his or her time of ſervice unexpired; and after charges deducted, the remainder of what the ſaid ſervant is ſold for, ſhall be paid to the owner, when demanded.

VI. No owner of any ſervant ſhall, during ſuch ſervant's ſervitude, make any bargain with him or her for further ſervice, or other matter relating to liberty, or perſonal profit, but in the preſence, and with the approbation of the county court where ſuch owner reſides. And if any ſervant brings in goods or money, or lawfully acquires any during his or her ſervitude, ſuch ſervant ſhall have the property and benefit thereof. And no owner ſhall put away any ſervant falling ſick or lame, during his or her ſervitude, but ſhall maintain ſuch ſervant during the whole time he or ſhe was obliged to ſerve: Or if ſuch owner ſhall put

away

away any ſuch ſervant upon pretence of freedom, and ſuch ſervant ſhall become chargeable to the pariſh, ſuch owner ſhall forfeit ten pounds current money to the church-wardens of the pariſh, for the uſe of the ſaid pariſh; to be recovered with coſts, by action of debt, in any county court; and moreover, ſhall be liable to the action of the ſaid church-wardens, at the common law, for damages.

VII. Every ſervant, male or female (except convicts) not having wages at the time of his or her ſervice ended, ſhall have and receive three pounds, ten ſhillings current money for freedom dues; which upon refuſal, ſhall be ordered with coſts, upon petition to the county court in manner before directed.

VIII. No *Negro*, *Mulatto*, or *Indian* (although Chriſtians) or *Jew*, *Moor*, *Mahometan*, or other infidel, ſhall purchaſe any Chriſtian ſervant, nor any other, except of their own complexion, or ſuch as are declared ſlaves by this act; but every Chriſtian white ſervant ſo purchaſed by any of them, ſhall, *ipſo facto*, become free: And if any perſon having ſuch Chriſtan ſervant ſhall marry with a *Negro*, *Mulatto*, *Indian*, *Jew*, *Moor*, *Mahometan*, or other infidel, ſuch ſervant ſhall become free from all ſervice then due to ſuch maſter or miſtreſs.

IX. No perſon ſhall buy, ſell, or receive of, to or from any ſervant or ſlave, any coin or commodity whatſoever, without the licence or conſent of his or her owner, he or ſhe ſo offending ſhall forfeit to the owner of ſuch ſervant or ſlave four times the value of the thing ſo bought, ſold, or received; to be recovered with coſts, by action upon the caſe, in any county court; and ſhall alſo forfeit five pounds to any perſon who will ſue for the ſame; to be recovered with coſts, by ſummons and petition as directed for recovery of ſmall debts, or receive, on the bare back, thirty nine laſhes, well laid on, at the public wheeping-poſt, and be nevertheleſs liable to pay the coſts of ſuch petition and ſummons.

X. All ſervants ſhall obey their owners juſt and lawful commands: And if any ſervant ſhall reſiſt or offer violence to his or her maſter, miſtreſs, or overſeer; ſuch ſervant, for every ſuch offence,

ſhall

ſhall be adjudged to ſerve his or her owner one whole year, after his or her time by act of parliament, indenture, cuſtom, or former order of court, expired.

XI. In all caſes of penal laws, where free perſons are puniſhable by fine, ſervants ſhall be puniſhed by whipping, after the rate of twenty laſhes for every five hundred pounds of tobacco, or fifty ſhillings current money, ſo that no ſervant ſhall receive more than forty laſhes at one time, unleſs ſuch ſervant procures ſome perſon to pay the fine.

XII. And whereas, many abuſes have been committed by perſons, who, under pretence of underſtanding trades and myſteries, have procured large ſums of money to be advanced to them, and entered into covenants with merchants and others in *Great-Britain*, for the payment of yearly wages, though they were really ignorant of, and unable to perform ſuch trades or myſteries; for remedy thereof enacted, That every perſon imported, or to be imported as a tradeſman or workman on wages, who ſhall be found not to underſtand ſuch trade or employment, may be brought by the owner to any county court, who, upon complaint of ſuch deceit, ſhall enquire into the ſame; and upon finding any ſuch fraud, may adjudge ſuch ſatisfaction to be made to ſuch owner by defalcation of the wages, or part thereof, or by further time of ſervice for the money advanced, as to them ſhall ſeem juſt.

XIII. Any ſuch tradeſman or workman on wages, refuſing or neglecting to perform his duty, or abſenting from his ſervice without leave, ſhall make ſuch ſatisfaction to his maſter or owner, as the county court where ſuch owner reſides, upon complaint and proof made before them, ſhall direct; and ſuch ſervant ſhall ſerve two days for every day's abſence, after his ſervice by indenture or former order of court expired, and that without wages.

SHE-

SHERIFFS.

22 *Geo.* II. (1748) *cap.* 10.

§ I. EVERY county court, at some time between the last of *June*, and last of *August*, yearly, shall present to the governor, or commander in chief, a list, or recommendation of three persons named in the commission of the peace for their county, of which the said governor, or commander in chief shall commissionate one: But if any county court neglects to present such list, the governor, or commander in chief shall, by commission, constitute any person named in the commission of the peace for the said county, to be sheriff thereof.

II. If any sheriff appointed upon recommendation as aforesaid, dies in the time of his sheriffalty, the governor, or commander in chief, may appoint one of the survivors recommended with the person deceased, to be sheriff in his room. And when a sheriff appointed, upon neglect or refusal of recommendation, dies in his office, any person in commission of the peace for such county, may be commissioned in his stead.

III. No person shall be obliged to serve as sheriff longer than one year, but the governor, or commander in chief may continue any sheriff in his office two years next succeeding each other; and such person may execute the same two years successively, and no longer.

IV. Every person accepting such commission, shall, before he is sworn, or executes the said office, enter into bond before the justices of his county court, with two good and sufficient securities, at the least, in the sum of one thousand pounds current money, for his true and faithful performance of his office: which bond and securities every county court shall take, and cause to be acknowledged before them in open court, and recorded.

V. Any person appointed pursuant to this act, refusing to accept and execute such commission, shall forfeit twenty pounds; to the king, his heirs, *&c.* for the use of the county where such refusal is, towards lessening the county levy; to be recovered with costs,

coſt, by action of debt or information, in any court of record; unleſs the perſon refuſing ſhall declare upon oath before his, or the next adjacent county court, That he hath uſed his beſt endeavours truly, and *bona fide*, without covin or colluſion, to get ſecurity for performance of the ſaid office, and that he cannot obtain ſuch ſecurity: Which oath ſuch county court ſhall adminiſter, and cauſe to be recorded; and thereupon ſuch perſon ſhall not be liable, but a new commiſſion ſhall iſſue appointing another ſheriff in his ſtead, as if ſuch perſon were naturally dead.

VI. No perſon who hath once ſerved as ſheriff, or paid his fine, ſhall be liable to any further forfeiture, until every juſtice, other than a burgeſs in the commiſſion of the peace, ſhall have actually ſerved as ſheriff, paid his fine, or diſcharged himſelf upon oath in manner aforeſaid.

VII. Every burgeſs, during the time of his being ſo, ſhall be exempted from being appointed ſheriff, and all fines and forfeitures for refuſal.

VIII. No ſheriff, or his officer, or his deputy, ſhall take any obligation of or from any perſon in his cuſtody, for any matter relating to his office, otherwiſe payable than to himſelf as ſheriff, and diſchargeable on the priſoner's appearance, and rendering himſelf at the day and place required in the writ whereupon he was taken; and every obligation by any ſheriff taken in other manner or form, by colour of his office, ſhall be null and void, except in any ſpecial caſe, any other obligation is or ſhall be by law particularly and expreſly directed.

IX. No ſheriff of any county ſhall demand or take any other or greater fee or reward whatſoever, nor have any allowance, reward or ſatisfaction from the public for any ſervice or buſineſs by him done, other than the allowances given by law from time to time in the table of ſheriff's fees; and all ſervices not there expreſly enumerated and provided for, ſhall be by him done, *ex officio*.

X. Every ſheriff, when required by the governor's warrant, ſhall collect the quit-rents due to his majeſty in his county, and

ſhall alſo receive and collect the public and county levies, and duly pay all ſuch quit-rents and levies to the receiver-general, and the public or county creditors reſpectively, at the time limited by law.

XI. All ſheriffs and collectors ſhall account on oath for all levies by them received, though not inliſted to the reſpective county courts and veſtries, which ſhall be applied towards leſſening the levy of ſuch county or pariſh.

XII. *Sect.* 16. Where any arrears of quit-rents, levies or officers fees are due from any perſon, and the ſheriff to whom the ſame ought to have been paid dies, or is removed from his office, the ſucceeding ſheriff or ſheriffs may diſtrain for the ſame upon the ſlaves, goods, or chattels of the perſon ſo chargeable, and make ſale thereof as (*Diſtreſſes* 2.) to be accounted for, and paid by ſuch ſheriff to his majeſty's receiver-general, public county or pariſh creditors, or ſuch other perſon or perſons to whom ſuch arrears ſhall be due.

XIII. Every ſheriff ſhall have and retain for all tobacco due for public, county or pariſh levies, quit-rents, ſecretaries, or other officers fees, put into his hands to collect, ſix *per cent.* for collecting and paying the ſame.

XIV. 28 *Geo.* II. (1755) *cap.* 7. *ſect.* 13. Every perſon accepting a ſheriff's commiſſion, ſhall, before his being ſworn into, and executing his office, enter into one bond before the juſtices of his county court, with two good and ſufficient ſecurities, at leaſt, in the ſum of five hundred pounds, with the following condition.

The condition of the above obligation is ſuch. That whereas the above bound *A. B.* is conſtituted and appointed ſheriff of the county of——during pleaſure, by commiſſion from the governor, under the ſeal of the colony, dated the—day of——laſt paſt. If therefore the ſaid *A. B.* ſhall well and truly collect all quit-rents, fines, forſeitures and amerciaments accruing or becoming due to his majeſty in the ſaid county, and ſhall duly account for and pay the ſame to the officers of his majeſty's revenue for the time

being,

being, on or before the ſecond tueſday of *June*, annually; and ſhall in all other things truly and faithfully execute the ſaid office of ſheriff, during his continuance therein, then the above obligation to be void, otherwiſe to remain in full force and virtue.

And alſo enter into one other bond before ſuch court, and with the like ſureties, in the ſum of one thouſand pounds, with the following condition.

The condition of the above obligation is ſuch, That whereas the above bound *A. B.* is conſtituted and appointed ſheriff of the county of——— —during pleaſure, by commiſſion from the governor, under the ſeal of the colony, dated the———day of ——laſt paſt. If therefore the ſaid *A. B.* ſhall well and truly collect and receive all officers fees and dues put into his hands to collect, and duly account for and pay the ſame to the officers to whom ſuch fees are due reſpectively, at ſuch times as are preſcribed and limited by law; and ſhall well and truly execute, and due return make of all proceſs and precepts to him directed, and pay and ſatisfy all ſums of money and tobacco by him received by virtue of any ſuch proceſs, to the perſon or perſons to whom the ſame are due, his or their executors, adminiſtrators or aſſigns; and in all other things ſhall truly and faithfully perform the ſaid office of ſheriff, during the time of his continuance therein, then the above obligation to be void, otherwiſe to remain in full force and virtue.

Both which bonds ſhall be made payable to his majeſty, his heirs and ſucceſſors, and that in the name of his majeſty and his ſucceſſors, any perſon or perſons injured may and ſhall, at his or their coſts and charges, commence and proſecute ſuits on ſuch laſt mentioned bond againſt the parties therein bound, their executors or adminiſtrators, and ſhall and may recover all damages which he, ſhe or they have ſuſtained by reaſon of the condition of ſuch bond; and ſuch bonds ſhall not become void upon the firſt recovery, or if judgment ſhall be given againſt any plain-

tiff or plaintiffs, who ſhall ſue on ſuch bond, but may be put in ſuit and proſecuted from time to time, for the benefit, and at the proper coſts and charges of any party injured, until the whole ſum of one thouſand pounds, the penalty expreſſed in ſuch bond ſhall be recovered.

XV. Provided, If any verdict or judgment ſhall paſs for ſuch ſheriff or his ſecurity, the perſon at whoſe inſtance ſuch ſuit ſhall be brought or proſecuted, ſhall pay ſuch ſheriff or his ſecurity their coſts.

XVI. 29 *Geo.* II. (1755) *cap.* 1. *ſect.* 5. The ſheriff of eve- county ſhall, on or before the firſt day of *December*, in each of the years 1756, 1757, 1758, and 1759, give bond and ſecurity before the court of the county whereof he is ſheriff, for the due collection and payment of the taxes to be collected by him the year enſuing, by virtue of this act.

XVII. If any ſheriff ſhall die, or be removed from his office after having given ſuch bond, and before the collection is made for which ſuch bond was given, the ſucceeding ſheriff ſhall, in like manner, give bond and ſecurity at the time he ſhall be ſworn into his office; and ſhall collect, levy and account for ſo much of the ſaid taxes as ſhall remain unpaid to the ſheriff ſo dying or removed.

XVIII. If any ſheriff refuſes, or fails to give ſecurity according to the directions of this act, the county court ſhall appoint ſome other perſon to collect the taxes impoſed by this act, and directed to be levied by ſuch ſheriff, and the perſon ſo appointed ſhall give bond and ſecurity in like manner, and have power to collect, levy, and account for the ſaid taxes, in the ſame manner as is directed in caſe of the ſheriff.

XIX. If the ſheriff or collector ſhall refuſe or neglect to account for and pay the ſaid taxes, according to the directions of this act, after deducting the ſeveral ſums chargeable to perſons who have no viſible eſtate in his county, the general court, or court of the county whereof he is ſheriff or collector, upon a motion by the treaſurer, may give judgment againſt ſuch ſheriff or collector and his ſecurity, for all money wherewith he is chargeable

able by virtue of this act, and award execution thereon, provided, such sheriff or collector have ten days previous notice of such motion.

XX. 29 *Geo.* II. (1756) *cap.* 1. *sect.* 4. The same as *sect.* 16. 17, 18, and 19, except for the year 1756.

XXI. The sheriff of every county shall, at the time of his entering into his office, enter into bond, with sufficient security, in the penalty of one thousand pounds, payable to his majesty, his heirs and successors, for the due collection and payment of the taxes already laid, and to be laid by this or any other act of assembly of this colony, besides the bond and security he is already obliged by law to give for the due performance of the other parts of his office.

XXII. 30 *Geo.* II. (1757) *cap.* 1. The same as *sect.* 16. and 17. for the years 1760, 1761, 1762, and 1763.

XXIII. Any sheriff failing or refusing to give security for collecting the taxes imposed by this, or any former act of assembly, according to the directions of such act, shall forfeit one hundred pounds: And the justices of that court shall thereupon order the person appointed to prosecute in such court, to exhibit an information in the name of the king against such sheriff, for recovery of the same, which on recovery shall be paid to the treasurer, and applied to the same uses as the taxes; provided, if such sheriff shall make oath in court that he used his best endeavours to procure such security, and cannot get the same, he shall not be liable to such penalty.

XXIV. As *sect.* 18.

XXV. If no other person will undertake such collection, such court shall certify the refusal or inability of the sheriff to the governor or commander in chief, who may thereupon appoint some fit and able person to be sheriff of such county, who shall, at his next county court after the date of his commission, give bond and security for the collection and payment of the taxes laid by this and former acts, and shall account for and pay the same as thereby directed; and be subject to the same penalty for refusing or neglecting to give security; recoverable as before directed.

XXVI. As

XXVI. As *sect*. 19. Only the securities of the sheriff or collector, are to have the same notice as the sheriff or collector himself.

XXVII. 7 *Geo*. I. (1720) *cap*. 5. *sect*. 6. This act against tending seconds shall be twice every year publickly read at the court-house of each county, by the sheriff or his deputy, on the days for holding the courts in *June* and *July*, under the penalty of five hundred pounds of tobacco for every omission; one moiety to the king, the other to the informer; to be recovered with costs in any court of record.

SHIPS.

13 *Car*. II. (1661) *cap*. 134.

§ I. AN exemption from the payment of the duties of two and ten shillings *per* hogshead is granted only to the owners and adventurers in such vessels as solely and wholly belong to the inhabitants of this country, and not to such persons as are only partners of vessels, whose other partners dwell in other countries, and the governor is to judge of such proprieties, and certify the same to the collectors.

II. 21 *Car*. II. (1669) *cap*. 5. Whereas, the act for encouraging of *Virginia* owners, exempts them from payment of two shillings *per* hogshead; *It is hereby enacted*, That they be also exempted from paying the castle duties, for their greater encouragement.

III. 32 *Car*. II. (1680) *cap*. 3. The two former acts declared to be in force, notwithstanding this act, or any other law, statute, custom, usage, or instructions to the contrary.

SLAVES.

4 *Ann*, (1705) *cap*. 23.

§ I. ALL *Negro*, *Mulatto*, and *Indian* slaves, after passing this act, shall, in all courts of judicature, and other places within this dominion, be taken and adjudged to be real estate (and not chattels) and shall descend unto the heirs and widows

dows of persons dying, according to the manner and custom of land of inheritance held in fee-simple.

II. Provided, Slaves imported and consigned to any merchant or factor here for sale, while unsold in the possession of such merchant or factor, or of their executors, administrators, or assigns, shall, to all intents and purposes, be held and adjudged to be personal estate, in the same condition as if this act had never been made.

III. Provided also, Such slaves may be taken by execution for payment of debts, as other chattels or personal estate may be.

IV. Provided also, No such slaves shall escheat by reason of the proprietor's death without lawful heirs, but in such case shall be accounted, and go as chattels and other personal estate.

V. Provided also, The sale or alienation of any such slave need not be recorded, but may be made in the same manner as before making this act.

VI. Provided also, The owner of any slave or slaves not seized of other real estate, shall have no right or privilege to vote as a freeholder at any election of burgesses.

VII. Provided also, Any person may sue for and recover any slave, or damage for the detainer, trover, or conversion thereof, by action personal, as before this act.

VIII. Provided, Where the nature of the case requires it, any writ *de partitione facienda*, or of dower, may be prosecuted, to recover the right and possession of any such slave or slaves. (See *sect.* 24.

IX. Provided, When any person dies intestate, leaving several children, such person's slaves (except the widow's dower, which is to be first set apart) shall be inventoried and appraised, and their value equally divided among all the said children; and the several proportions, according to such valuation and appraisement, shall be paid by the heir (to whom the said slaves shall descend, by virtue of this act) unto every of the other children; which children, and their executors and administrators, may prosecute an action upon the case at the common law, against such heir, his

heirs,

heirs, executors and adminiſtrators, for recovery of their ſeveral proportions reſpectively. (See *ſect.* 25.)

X. If any widow, ſeized of any ſuch ſlave or ſlaves as aforeſaid, as of the dower of her huſband, ſhall ſend, or voluntarily permit to be ſent out of this colony, ſuch ſlave or ſlaves, or any of their increaſe, without the lawful conſent of him or her in reverſion, ſuch widow ſhall forfeit ſuch ſlaves, and all other the dower ſhe holds, unto the perſon or perſons that ſhall have the reverſion thereof: And if any widow, ſeized as aforeſaid, ſhall marry a huſband, who ſhall ſend, or permit to be ſent, any ſuch ſlaves, or any of their increaſe, out of the colony, without the conſent of him or her in reverſion as aforeſaid, he or ſhe in reverſion, may enter into, poſſeſs, and enjoy all the eſtate which ſuch huſband holdeth in right of his wife's dower, for, and during the life of the ſaid huſband.

XI. 1 *Geo.* II. (1727) *cap.* 11. The act of 4 *Ann*, *cap.* 23. ſhall, hereafter, be conſtrued, and the true intent and meaning thereof, is hereby declared to be in the ſeveral caſes herein after mentioned, as the ſame is herein after declared, and not otherwiſe.

XII. Where any perſon, by bargain and ſale, gift, with or without deed, laſt will and teſtament in writing, or nuncupative will, ſhall bargain, ſell, give, diſpoſe of, or bequeath any ſlave or ſlaves, ſuch bargain, ſale, gift, or bequeſt, ſhall transfer the abſolute property, as if ſuch ſlave or ſlaves were a chattel: and no remainder of any ſlave ſhall be limited by any deed or will, otherwiſe than the remainder of a chattel perſonal, by the rules of the common law may be limited; except in the manner herein after mentioned.

XIII. Where any ſlave hath been, or ſhall be conveyed, given, or bequeathed, or hath, or ſhall deſcend to any feme covert, the abſolute right, property and intereſt of ſuch ſlave, is hereby veſted in and ſhall accrue to the huſband of ſuch feme covert: And where any feme ſole is or ſhall be poſſeſſed of any ſlave, as of her own proper ſlave, the ſame ſhall accrue to, and be abſolutely veſted in the huſband of ſuch feme, when ſhe ſhall marry.

XIV. Any

XIV. Any infant, above the age of eighteen, by his or her laſt will and teſtament, in writing, may diſpoſe and bequeath the abſolute right, property and intereſt of any ſlave, whereof he or ſhe ſhall be poſſeſſed.

XV. No ſlaves ſhall be forfeited, except in ſuch caſes where the lands and tenements of the perſon incurring the forfeiture, is, ſhould or might be forfeited.

XVI. No executor or adminiſtrator, ſhall ſell or diſpoſe of any ſlave of his teſtator or inteſtate, except for paying the juſt debts of ſuch teſtator or inteſtate, and then only where there is not ſufficient of the perſonal eſtate of ſuch teſtator or inteſtate, to pay ſuch debts; in which caſe the executor or adminiſtrator may ſell ſuch ſlaves as ſhall be ſufficient to raiſe ſo much money as the perſonal eſtate falls ſhort of the payment of the debts.

XVII. When a mother dies inteſtate, leaving one or more ſlave or ſlaves, other than ſuch which ſhe holds as of her dower, the heir at law ſhall be accountable to the younger children for their proportions of the value of ſuch ſlave or ſlaves, in the ſame manner as in caſe of a father's dying and leaving ſuch ſlaves.

XVIII. Provided, Nothing herein ſhall be conſtrued to alter the property of any ſlave, which by the judgment of the general court, or any county court, hath been adjudged to belong to any perſon; but ſuch judgment ſhall remain, and be deemed valid and binding.

XIX. Provided alſo, Where any perſon, by deed executed in his life-time, or by his laſt will and teſtament in writing, hath diſpoſed of any ſlave for the life of any perſon, and thereupon limited any remainder, ſuch remainder ſhall be good in law, to tranſfer the abſolute property of ſuch ſlave to the perſon to whom ſuch remainder hath been limited, and no otherwiſe.

XX. Any perſon by deed executed in his or her life-time, or by his or her laſt will and teſtament, wherein any lands and tenements ſhall be ſettled, conveyed, or deviſed in fee tail, or for life or lives, may ſettle, convey or deviſe any ſlave or ſlaves; and in ſuch deed or will, declare that ſuch ſlave or ſlaves, and their increaſe, ſo long as any of them ſhall be living, ſhall deſcend, paſs,

and go, as part of the freehold, to ſuch perſon to whom ſuch lands and tenements ſhall be ſo conveyed or deviſed, and to whom the ſame ſhall from time to time deſcend and come; and ſuch declaration ſhall be good in law to annex ſuch ſlaves to the freehold and inheritance of ſuch lands and tenements, and they, and their increaſe, ſhall deſcend, paſs, and go, in poſſeſſion, reverſion, and remainder, with ſuch lands and tenements: Or where any perſon, by deed or will as aforeſaid, ſhall ſettle, convey, or deviſe any lands and tenements in fee tail, or for life or lives; and ſhall, in the ſame deed or will, ſettle, convey, or deviſe any ſlave or ſlaves, with the ſame limitations with which ſuch lands and tenement ſhall be ſo ſettled, conveyed, and deviſed, ſuch limitations ſhall amount to a declaration of the intent of the party conveying or deviſing the ſame, that they ſhould be annexed to ſuch lands and tenements; and ſhall deſcend, paſs, and go therewith, from time to time as aforeſaid.

XXI. Where any perſon is, or ſhall be, ſeized of lands or tenements in fee tail, ſuch perſon by deed executed in his or her life-time, or by his or her laſt will and teſtament, may annex to the ſame lands and tenements, all, or any ſlave or ſlaves, which ſuch tenant in tail ſhall be poſſeſſed of; and may declare that ſuch ſlave or ſlaves, and their increaſe, ſo long as any of them ſhall be living, ſhall deſcend, paſs, and go in poſſeſſion, reverſion, or remainder, as part of the freehold, under the like limitations with which ſuch lands and tenements are or have been ſettled, conveyed, or deviſed: And ſuch declaration ſhall be as effectual to annex the ſaid ſlave or ſlaves, and their increaſe, to ſuch lands and tenements, as if the ſame had been ſettled, conveyed, or deviſed, by the ſame deed or will, whereby the eſtate in the ſaid lands and tenements was at firſt made and created.

XXII. Notwithſtanding any ſlave ſhall be annexed as aforeſaid, to any lands and tenements ſettled, conveyed, or deviſed in fee tail, in poſſeſſion or remainder; ſuch ſlave or ſlaves, or their increaſe, ſhall be liable to be taken in execution, and ſold, for paying the juſt debts of the tenant in tail, for the time being: And ſuch ſale ſhall be good and effectual againſt him or her, and

his

his or her iſſue, and all other perſons whatſoever claiming under ſuch ſettlement.

XXIII. Provided alſo, If any perſon hereafter poſſeſſed of any ſlave in right of his wife, which ſhall be ſo annexed to lands as aforeſaid, ſuch ſlave ſhall not be liable to be taken in execution, or ſold, for ſatisfying any debt of ſuch huſband, ſo as to bar the wife of any right which ſhe may claim under any ſettlement made in purſuance of this act, after his death.

XXIV. Where any perſon hath or ſhall have a right to demand dower, or have partition of any ſlave or ſlaves, ſuch perſon ſhall and may exhibit a bill in equity for that purpoſe, againſt the perſon of whom the ſame may be demanded: And the court before whom ſuch bill ſhall be exhibited, ſhall compel the defendant to anſwer, and proceed upon ſuch bill and anſwer, although the defendant be under age, according to the courſe and rules of equity; and ſhall make ſuch decree for the aſſignment of ſuch dower, or making ſuch partition, as ſhall be moſt agreeable to equity: And ſuch aſſignment of dower or partition, ſhall be as effectual as if made in the ordinary methods of the common law.

XXV. Where it ſhall be neceſſary for the younger child or children of any perſon, to bring any ſuit againſt the heir at law, for recovering his or their proportion of the value of any ſlave or ſlaves, purſuant to the ſaid act, inſtead of an action upon the caſe, ſuch child or children ſhall exhibit his or their bill in a court of equity, for recovering ſuch proportion: And the court before whom ſuch bill ſhall be exhibited, ſhall proceed upon the bill, and the anſwer of the defendant, although under age, and give ſuch relief for the recovering and compelling the payment of ſuch proportion of the true value of ſuch ſlave or ſlaves, as ſhall be agreeable to the rules of equity.

XXVI. 22 *Geo.* II. (1748) *cap.* 38. If any *Negros*, or other ſlaves ſhall conſult, adviſe, or conſpire to rebel, or make inſurrection, or plot, or conſpire the murder of any perſon, every ſuch conſulting, plotting, or conſpiring, ſhall be adjudged felony, and every ſlave convicted thereof, in manner herein after directed, ſhall ſuffer death without benefit of clergy.

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XXVII. Any *Negro*, or other ſlave, preparing, exhibiting, or adminiſtring any medicine whatſoever, ſhall be adjudged guilty of felony, and ſuffer death without benefit of clergy.

XXVIII. Provided, If it appears to the court before which ſuch ſlave ſhall be tried, that the ſame was not prepared, exhibited, or adminiſtred with an ill intent, nor attended with any bad conſequences, ſuch ſlave ſhall have the benefit of clergy.

XXIX. Provided alſo, Nothing herein ſhall extend to any ſlaves adminiſtring medicines by his or her maſter or miſtreſſes order, in his or her family, or the family of another, with the mutual conſent of the owner of ſuch ſlave, and the maſter or miſtreſs of ſuch family.

XXX. Every ſlave committing any offence, by law puniſhable by death, or loſs of member, ſhall be committed to the county goal, and the ſheriff of the county ſhall forthwith certify ſuch commitment, with the cauſe thereof, to the governor, or commander in chief, who may iſſue a commiſſion of *Oyer* and *Terminer* to ſuch perſons as he ſhall think fit; which perſons, forthwith after the receipt of ſuch commiſſion, ſhall cauſe the offender to be publicly arraigned and tried at the court-houſe of the ſaid county, and take for evidence the confeſſion of the offender, the oath of one or more credible witneſſes, or ſuch teſtimony of *Negros*, *Mulattos*, or *Indians* bond or free, with pregnant circumſtances as to them ſhall ſeem convincing, without the ſolemnity of a jury, and the offender being found guilty, ſhall paſs ſuch judgment upon him or her as the law directs for the like crimes, and on ſuch judgment award execution.

XXXI. Provided, If at ſuch trial the court be divided in opinion, whether the accuſed be guilty or not guilty, he or ſhe ſhall be acquitted.

XXXII. Provided alſo, When judgment of death ſhall be paſſed upon any ſuch offender, there ſhall be ten days, at leaſt, between the paſſing judgment and the day of execution, except in caſes of conſpiracy, inſurrection, or rebellion.

XXXIII. Provided, The owner of any ſlave may appear at ſuch arraignment and trial, and make what juſt defence he can

for

for ſuch ſlave, ſo as it does not relate to any formality in the proceedings on the trial.

XXXIV. The commiſſioners that ſhall ſit on trial ſhall put a valuation in money upon every ſlave convicted by virtue of this act, and certify ſuch valuation to the next ſeſſion of aſſembly, to enable them to make a ſuitable allowance thereupon to the owner.

XXXV. Every maſter, miſtreſs, or overſeer of a family which ſhall knowingly permit or ſuffer any ſlave, not belonging to him or her, to remain on his or her plantation above four hours at one time, without leave of the owner or overſeer of ſuch ſlave, ſhall forfeit one hundred and fifty pounds of tobacco for every ſuch offence; and every owner and overſeer of a plantation, who ſhall ſo permit or ſuffer more than five ſlaves, other than his or her own, to be upon his or her plantation or quarter at any one time, ſhall forfeit five ſhillings, or fifty pounds of tobacco, for each *Negro* or ſlave above that number; which ſeveral forfeitures ſhall be to the informer; to be recovered with coſts before any juſtice of the county.

XXXVI. Provided, Nothing herein ſhall be conſtrued to reſtrain the *Negros* or ſlaves of one and the ſame owner, though ſeated at different quarters, to meet by the licence of ſuch owner, or his or her overſeer, at any of the plantations to ſuch owner belonging, nor the meeting of ſlaves on their owner's or overſeer's buſineſs at any public mill, ſo as ſuch meeting be not in the night, nor on a ſunday; nor their meeting on any other lawful occaſion by licence in writing of their maſter, miſtreſs, or overſeer; nor their going to church to attend divine ſervice on the Lord's day, or any other day of public worſhip.

XXXVII. Any white perſon, free *Negro*, *Mulatto*, or *Indian*, found in company with ſlaves, at any unlawful meeting; or harbouring, or entertaining any ſlave, without the owner's conſent, ſhall, upon conviction, forfeit fifteen ſhillings, or one hundred and fifty pounds of tobacco, to the informer, to be recovered with coſts, before any juſtice; or on failure to make preſent payment, ſhall receive on the bare back, twenty laſhes, well laid

on,

on, for every ſuch offence: And every ſlave preſent at any unlawful meeting, ſhall, by the juſtice, be ordered to receive any number of laſhes not exceeding thirty nine.

XXXVIII. Every juſtice of any county where ſuch unlawful meeting happens, upon his own knowledge, or information thereof to him made, within ten days after, ſhall iſſue his warrant to apprehend the perſons ſo met or aſſembled, and cauſe them to be brought before him or ſome other juſtice of the ſaid county, to be dealt with as this act directs: And every juſtice failing herein, ſhall forfeit fifty ſhillings, or five hundred pounds of tobacco, for every ſuch failure. And every ſheriff, who, upon knowledge or information of any ſuch meeting, ſhall fail to endeavour to ſuppreſs the ſame, and to carry the offenders before ſome juſtice to receive due puniſhment, ſhall forfeit fifty ſhillings, or five hundred pounds of tobacco: Both which penalties ſhall be to the informer; and may be recovered with coſts, by action of debt, in any county court: And every under-ſheriff, or conſtable, who, upon knowledge or information of ſuch meeting, ſhall fail to perform his duty in ſuppreſſing the ſame, and apprehending the perſons ſo aſſembled, ſhall forfeit two hundred pounds of tobacco, for every ſuch failure, to the informer; to be recovered with coſts, before any juſtice of the county.

XXXIX. If any ſlave ſhall come and be on any perſon's plantation, without leave in writing, of his or her owner or overſeer, not being ſent upon lawful buſineſs, the owner or overſeer of ſuch plantation may give, or order ſuch ſlave ten laſhes on the bare back for every ſuch offence.

XL. No ſlave ſhall go from the plantation or ſeat of land whereon he or ſhe is appointed to live, without a certificate of leave in writing from his or her owner or overſeer by their expreſs order.

XLI. No *Negro*, *Mulatto*, or *Indian*, ſhall keep or carry any gun, powder, ſhot, club, or other weapon, offenſive or defenſive; but all and every gun, weapon, and ammunition found in the cuſtody of any *Negro*, *Mulatto*, or *Indian*, may be ſeized by any perſon; and, upon due proof thereof made before any

juſtice

juſtice of the county, ſhall be forfeited to the informer: And every ſuch offender ſhall, by order of ſuch juſtice, receive any number of laſhes not exceeding thirty nine, well laid on, on the bare back, for every ſuch offence.

XLII. Provided, Every free *Negro*, *Mulatto*, or *Indian*, being a houſe-keeper, may keep one gun, powder, and ſhot. And all *Negros*, *Mulattos*, and *Indians*, bond or free, living at any frontier plantation, may keep and uſe guns, powder, and ſhot, and weapons offenſive or defenſive, by licence from a juſtice of the county where ſuch plantations lie, to be obtained upon the application of free *Negros*, *Mulattos*, or *Indians*, or of the owners of ſuch as are ſlaves.

XLIII. Any *Negro*, *Mulatto*, or *Indian*, bond or free, who ſhall lift up his or her hand in oppoſition to any Chriſtian, not being a *Negro*, *Mulatto*, or *Indian*, ſhall for every ſuch offence, proved by the oath of the party, before a juſtice of the county where ſuch offence ſhall be committed, receive thirty laſhes on the bare back, well laid on, by order of ſuch juſtice.

XLIV. If any ſlave be killed in executing ſuch proclamation, as directed (*Runaways*, *ſect.* 34.) or in diſperſing unlawful aſſemblies, purſuit of rebels, or conſpirators, or ſeizing the arms or ammunition of ſuch as by this act are prohibited to keep the ſame, the court of the county where ſuch ſlave ſhall be killed, ſhall, upon application of the owner, and due proof made before them, value the ſlave ſo killed, and certify ſuch valuation to the next ſeſſion of aſſembly, that a ſuitable allowance may be made to the owner.

XLV. If any ſlave ſhall die by reaſon of any ſtroke or blow, given in correction by his or her owner, or by reaſon of any accidental blow whatſoever, given by ſuch owner; no perſon concerned in ſuch correction, or accidental homicide, ſhall undergo any proſecution or puniſhment for the ſame; unleſs, upon examination before the county court, it ſhall be proved by the oath of one lawful and credible witneſs, at leaſt, that ſuch ſlave was killed wilfully, maliciouſly, or deſignedly; nor ſhall any perſon indicted for the murder of a ſlave, and upon trial found guilty only

of

of manſlaughter, incur any forfeiture or puniſhment for ſuch offence or misfortune.

XLVI. Provided, Nothing herein ſhall be conſtrued to bar the action of any perſon, whoſe ſlave ſhall be killed by any other perſon, or die through the negligence of any ſurgeon, or other perſon undertaking the diſmembering or cure of any ſlave puniſhed by order of court; but every owner may have the ſame remedy for the death and loſs of his ſlave, as if this act had never been made.

XLVII. No *Negro*, *Mulatto*, or *Indian* ſlave, ſhall be ſet free upon any pretence, except for ſome meritorious ſervice, to be adjudged and allowed by the governor and council, and a licence thereupon firſt had and obtained. And if any ſlave ſhall be otherwiſe ſet free, the church-wardens of the pariſh where he or ſhe ſhall reſide for the ſpace of one month next after being ſet free, may and ſhall take up and ſell ſuch *Negro*, *Mulatto*, or *Indian*, as a ſlave, at the next court held for the county, by public auction; the money ariſing by ſuch ſale to be applied to the uſe of the pariſh, towards leſſening the levy thereof.

XLVIII. 27 *Geo.* II. (1753) *cap.* 7. *ſect.* 2. All ſervants imported here, who were not Chriſtians in their native country (except *Turks* and *Moors* in amity with his majeſty, and ſuch as can prove their being free in *England*, or any other Chriſtian country before they were ſhipped for tranſportation here) ſhall be ſlaves, and as ſuch bought and ſold here.

XLIX. Every perſon importing and ſelling here as a ſlave, any perſon that was free in any Chriſtian country, iſland, or plantation, ſhall forfeit to the party from whom ſuch free perſon ſhall recover his freedom, double the ſum for which ſuch free perſon was ſold; to be recovered in any court of record here, with coſts, according to the courſe of the common law, wherein the defendant ſhall not be admitted to plead in bar any act or ſtatute of limitations.

L. Provided, A ſlave's being in *England* ſhall not diſcharge him of ſlavery, without proof of his manumiſſion there; and baptiſm of ſlaves doth not exempt them from bondage.

LI. If

LI. If any perſon ſhall ſteal any *Negro*, *Mulatto*, or *Indian* ſlave whatſoever, out of, or from the poſſeſſion of the owner, or overſeer of ſuch ſlave, the perſon ſo offending is hereby declared a felon, and ſhall ſuffer death without benefit of clergy.

LII. 31 *Geo.* II. (1757) *cap.* 6. No gift of any ſlave ſhall be ſufficient to paſs any eſtate in ſuch ſlave, unleſs given by will duly proved and recorded, or by deed in writing, proved by two witneſſes, at the leaſt, or acknowledged by the donor, and recorded in the general court, or court of the county, where one of the parties lives within eight months after the date.

LIII. All gifts without deed or writing of any ſlaves, heretofore made by any perſons now living and being within this colony, ſhall, within eight months after paſſing this act, be reduced into writing, and proved by two witneſſes, or acknowledged by the donors, and recorded in the general court, or court of the county where one of the parties live, or every ſuch gift ſhall be void, any law, cuſtom or uſage notwithſtanding.

LIV. If any perſon hath made any verbal gift of any ſlave before any witneſs or witneſſes, and ſhall refuſe to make a deed or writing expreſſing ſuch gift purſuant to this act, the donee, his agent or attorney; or if an infant, his guardian or next friend, may ſummon the witneſs or witneſſes to the court of the county where the donor lives, of which the donor ſhall have notice ten days before the ſitting of the ſaid court, there to give teſtimony of ſuch gift before ſuch court; which teſtimony, with the proof of the notice given the donor, ſhall, by order of ſuch court, be recorded, and ſhall be as effectual to eſtabliſh ſuch gift as any deed or writing.

LV. No county court clerk ſhall demand more than twenty pounds of neat tobacco for recording any deed or writing made purſuant to this act.

SOLDIERS.

29 *Geo.* II. (1755) *cap.* 1. *sect.* 8.

§ I. EVERY soldier inlisted for the protection of his majesty's subjects in the frontiers of this colony, shall be in his person protected from all process, other than for some criminal matter, and his estate privileged from all executions, attachments and distresses, where the sum due from such person shall not exceed ten pounds current money, or two thousand pounds of tobacco clear of the penalty of any bond, and the costs, on the judgment of any court, due and owing to one person; and shall be exempted from the payment of all public, county, and parish levies, and all taxes imposed by this or any other act, during the time he shall continue a soldier and be in actual service.

II. No person who shall inlist and enter himself as a volunteer in his majesty's service as a soldier, according to the directions and intentions of this act, shall be liable to be taken out of his majesty's service by any process or execution whatsoever, other than for some criminal matter; nor shall any attachment, execution, or distress be made on his estate, unless for a real debt, or other just cause of action; and unless, before the taking out of such process, execution, attachment, or distress made, the plaintiff or plaintiffs therein, or landlord, or some other person or persons on his or their behalfs, shall make affidavit before the clerk of the court out of which such process or execution shall issue, or before some justice of the county (who may administer the same) that to his or their knowledge, the sum justly due and owing to the plaintiff or plaintiffs, landlord or landlords, from the defendant or defendants, tenant or tenants, in the action or cause of action on which such process shall issue, or the debt for which such execution or attachment shall be issued out, or distress made, amounts to the value of ten pounds, or two thousand pounds of tobacco, at least, over and above the penalty, and all costs of suit in the same action, or in any other action on which the same shall be grounded, or that such defendant or defendants

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is about to remove his or their eſtate or eſtates out of this colony; a memorandum of which oath ſhall be marked on the back of ſuch proceſs, execution, or attachment by the clerk or juſtice, without fee or reward; and alſo, the landlord, before any diſtreſs ſhall be made, ſhall deliver ſuch affidavit to the officer who is to make the ſame.

III. If any perſon be nevertheleſs arreſted, or his goods or effects taken in execution, attached or diſtrained, contrary to the intent of this act, two or more juſtices of the county where ſuch proceſs ſhall iſſue or diſtreſs be made, on complaint thereof by the party, himſelf, or any of his ſuperior officers or friends, may examine into the ſame by the oath of the parties, or otherwiſe, and, by warrant under their hands and ſeals, diſcharge ſuch ſoldier ſo arreſted, or his goods and effects taken in execution, attached or diſtrained contrary to the intent of this act, without paying any fee or fees, upon due proof made before them, That ſuch ſoldier ſo arreſted was legally inliſted as a ſoldier, and arreſted, or his goods or effects taken in execution, attached or diſtrained contrary to this act.

IV. Provided, No perſon inliſted as a ſoldier, his executors or adminiſtrators, ſhall take any advantage of the limitation of time, in delivering any article, or commencing any action againſt them, for the recovering any debt by him or them due to any perſon in reſpect of the time, ſuch debtor ſhall be privileged under this act.

V. If any perſon inliſted by virtue of this act ſhall be maimed or wounded, ſo as to be rendered incapable of maintaining themſelves, they ſhall, upon their return, be ſupported at the public expence.

VI. 30 *Geo.* II. (1757) *cap.* 1. The forces in this colony ſhall be augmented to twelve hundred and ſeventy men (including non-commiſſioned officers) to be formed into twelve companies, under the command of a colonel, lieutenant-colonel, major, nine captains, twenty four lieutenants, and twelve enſigns, and they ſhall be allowed a chaplain, a pay-maſter, three ſurgeons, and one ſurgeon's mate, an adjutant, and a quarter-maſter.

VII. Two of the companies now in this colony's pay, with one of the ſurgeons, ſhall be ſent to the aſſiſtance of South *Carolina*: One other company to be raiſed, with another of the ſurgeons, to garriſon the fort lately built at this colony's expence in the *Cherokee* country, and the other ſeven companies ſhall remain for the protection of this colony; and the other two companies to be raiſed by virtue of this act, ſhall, after the other ten companies are compleated, be alſo ſent to the aſſiſtance of South *Carolina*, if thought neceſſary by the commanding officer of his majeſty's forces in North *America*.

VIII. The money neceſſary to defray the charge of raiſing, maintaining, paying, cloathing, and other expences of the ſaid officers and men, ſhall be paid by the treaſurer out of the public money in his hands, by warrant under the governor's hand, ſo as the whole does not exceed thirty-ſix thouſand pounds, to be accounted for to the general aſſembly.

IX. *William Prentis*, *James Cocke*, and *Thomas Everard*, gentlemen, are appointed commiſſioners to examine, ſtate, and ſettle ſuch accounts relating to the expences of the ſaid officers and men, as ſhall be referred to them by the governor, each of which commiſſioners ſhall be allowed ſeventy five pounds.

X. The treaſurer ſhall, out of the money raiſed by virtue of this act, pay to the governor a ſum not exceeding ſix thouſand pounds, for raiſing and maintaining three companies of one hundred men each, with their officers, to be employed as rangers for the protection of the ſubjects on the South-weſtern frontiers, as the governor ſhall direct from time to time, but not to be ſent out of the colony, or incorporated with the ſoldiers now in his majeſty's ſervice; and the money received ſhall be accounted for to the general aſſembly.

SPECIAL BAIL.

22 *Geo*. II. (1748) *cap*. 7.

§ I. UPON appearance of the defendant in any perſonal action, the court may, if they ſee cauſe, rule him to give ſpecial

ſpecial bail (if moved for) or commit him into cuſtody of the ſheriff, till ſuch bail be given: And the ſpecial bail ſhall be liable to the judgment and recovery againſt ſuch defendant, unleſs he render his body in execution in diſcharge of his bail.

II. No ſpecial bail ſhall be required in any ſuit upon a penal law, unleſs by ſuch law bail ſhall be expreſly directed.

III. 25 *Geo.* II. (1742) *cap.* 3. *ſect.* 14. When any action ſhall be commenced againſt any ſeafaring perſon, founded on this act, or that of 22 *Geo.* II. *cap.* 51. for amending the ſtaple of tobacco; ſuch perſon ſhall not be admitted to appear until he ſhall have given ſpecial bail.

IV. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 20. Any judge of the general court, when the ſaid court is not ſitting, may take a recognizance of bail in any action there depending, which ſhall be taken, *de bene eſſe*; and if the plaintiff, or his attorney, excepts to the ſufficiency of ſuch bail, notice thereof ſhall be given to the defendant, or his attorney, at leaſt ten days before the next general court; and if the bail ſhall be judged inſufficient by the court, the recognizance thereof ſhall be diſcharged, and ſuch proceedings may be had againſt the defendant, as if no ſuch bail had been taken: But if ſuch bail is adjudged ſufficient, or is not excepted to in the time aforeſaid, ſuch bail ſhall ſtand and be chargeable in the ſame manner as if the recognizance had been taken in court.

V. The ſame in the *General Court* as *ſect.* 2.

STATUTES.

22 *Geo.* II. (1748) *cap.* 12. *ſect.* 23.

§ I. THE ſtatute of 3 *William* and *Mary*, intituled, *An act for the relief of creditors againſt fradulent devices*, ſhall be in force in this colony.

II. 27 *Geo.* II. (1753) *cap.* 1. *ſect.* 25. For prevention of delay by arreſting judgments, and vexatious appeals, the ſeveral acts of parliament commonly called, *The ſtatutes of jeofails*, now

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in force and use in *England*, shall be, for so much thereof as relates to any mispleading, jeofail, and amendment, in full force.

STERLING MONEY.

22 *Geo.* II. (1748) *cap.* 12. *sect.* 29.

§ I. WHERE any writ of execution shall be sued out upon any judgment, decree, or recovery had, or to be had or obtained in any court of record for sterling money, the sheriff or officer to whom such writ shall be directed, shall levy the same in current money, at the rate of 25 *per cent.* advance upon the sterling, for a difference of exchange, and not otherwise.

II. 28 *Geo.* II. (1755) *cap.* 7. In any action which hath or shall be commenced, or is or shall be depending for the recovery of any sterling money in any court of record, wherein the plaintiff shall recover, such court shall have power, and are hereby directed by rule to be entered at the foot of their judgment in such action, to order such judgment to be discharged, or levied in current money, at such difference of exchange as they shall think just, any law, usage, or custom notwithstanding.

III. If any person shall, in any suit hereafter to be brought, declare for sterling money, except where the debt or duty is payable in sterling money, such person shall be non-suited.

IV. If any person shall take a bond, obligation or note, payable in sterling money, for any current money debt, and shall bring any suit thereon; the court before whom such suit shall be tried, upon proof thereof made, shall order the judgment to be discharged, or levied in current money, at the rate of twenty five *per cent.*

STOREHOUSES.

22 *Geo.* II. (1748) *cap.* 27.

§ I. THE court of every county lying upon a river or creek, may, upon application, order and appoint such place or places within such county, as to them shall appear necessary and

and convenient, for landing, ſhipping off, and tranſporting goods and merchandizes, to be hereafter held and accounted public landings; and where a ſtorehouſe, or warehouſes are not already erected at, or convenient to ſuch landings, ſhall order ſuch houſe or houſes to be built by the proprietor of the land, at his own expence, for the reception, ſafe-keeping, ſhipping off, or tranſportation of all goods and merchandizes brought thither by land or water, and ſuch houſes ſhall be held and accounted public ſtorehouſes; and all other places and houſes heretofore uſed for the ſame purpoſes, ſhall be diſcontinued, and no longer reputed public ſtorehouſes or landings: And a copy of every ſuch order ſhall be delivered by the ſheriff, to the proprietor of the lands ſo appointed, his or her attorney or agent, or left at his or their uſual place of abode; and the day and place of ſerving the ſame ſhall be returned by the ſaid ſheriff to the next ſucceeding court held for his county, and recorded. And where good and convenient ſtorehouſes are not already built at any place ſo appointed, the proprietor thereof ſhall, within twelve months after ſuch order, cauſe ſuch houſe or houſes to be erected and kept.

II. If any owner of any houſe, now uſed for a public ſtorehouſe, or the owner of any land appointed by any county court for a place whereon to build a public ſtorehouſe, his or her guardian or attorney, ſhall refuſe to let ſuch houſe be uſed for the purpoſe aforeſaid, or to build a convenient ſtorehouſe on the place ſo appointed, within one year after ſuch appointment; in ſuch caſe, upon the petition of ſome freeholder or freeholders of the county, ſuch county court ſhall appoint three or more good and lawful men of their county, upon their oaths, to value the ſaid houſe ſo appointed, and half an acre of land adjoining, or to value half an acre of the lands ſo appointed to build a ſtorehouſe on, which valuation ſhall be returned to the ſaid court, and recorded, and thereupon the ſaid court may give liberty to any perſon to build and keep a ſtorehouſe thereon; and ſuch perſon paying down the valuation, or lawfully tendering the ſame to the owner, ſhall be ſeized in the ſaid houſe and half acre of land, or in the half acre to him and his heirs for ever, on condition to

keep

keep and maintain thereon ſuch a convenient ſtorehouſe as the county court ſhall from time to time direct, otherwiſe the ſaid half acre of land to revert to the former proprietor, his heirs and aſſigns, or to ſuch other perſon as will build and maintain a ſufficient ſtorehouſe thereon.

III. Provided, The houſe ſo to be appointed by ſuch county court be not a dwelling-houſe, or any out-houſe, edifice, or building contiguous and belonging to a dwelling-houſe, and that the half acre of land ſo appointed to build a ſtorehouſe on, be not, at the time of ſuch appointment, the garden, orchard, or court yard belonging to any dwelling-houſe.

IV. Provided alſo, Where any ſtorehouſe ſhall be built by any other perſon, and the firſt proprietor of the land ſhall deſire to have the ſame again; ſuch proprietor, on payment of ſo much money as ſhall be ſufficient to reimburſe the ſaid purchaſer the principal money expended for the purchaſe of the land, and the building ſuch ſtorehouſes with lawful intereſt, ſhall be reſtored to his former eſtate in the land whereon ſuch ſtorehouſes ſhall be built.

V. Provided alſo, That the proprietor of ſuch half acre appointed for building a ſtorehouſe, having no land adjacent, ſhall keep no hogs, or other ſtock thereon, except conſtantly kept within a ſufficient fence, on penalty of paying five ſhillings current money for every horſe, mare, cattle, ſheep, goat, hog, ſhoat, or pig, to him belonging, found at large upon any of the adjacent lands, to be paid to the owner of ſuch lands, and recovered before a juſtice of the county where the treſpaſs is committed.

VI. Every ſuch public ſtorehouſe ſhall be conſtantly kept by the proprietor, for receiving tobacco, goods and merchandizes, and there ſhall be paid to ſuch proprietor by the owner of ſuch goods lodged there, for the ſtorage thereof, the prices following, before the goods are delivered.

	l.	*s.*	*d.*
For every hogſhead of tobacco brought to any ſtorehouſe above the falls of any river.	0	0	8

For

	l.	s.	d.
For every cask of sixty gallons, or upwards, and bale, or parcel, of the like or greater bulk, for the first day, or three months.	0	1	0
For every month after,	0	0	1
For every cask, bale, or parcel of less bulk,	0	0	6
For every month after.	0	0	1
For every bushel of salt or grain, not packed in cask, and *pro rato*,	0	0	1
For every month after,	0	0	0½
For every bar or pig of iron,	0	0	0½

Every parcel of salt or grain, brought loose and unpacked, shall be kept in separate parcels unmixed with any other, and the whole thereof delivered as received; and if it really shall have lost any of its quantity by melting, or by rats, or other unavoidable accidents, the owner shall bear the loss, unless it exceed five *per cent.*, if taken out within three months, and if it lie longer one *per cent. per* month afterwards, not exceeding ten *per cent.* in the whole.

VII. No storage shall be demandable for goods lodged in any other than a public storehouse appointed in pursuance of this act: And if any person or proprietor, or keeper of such public storehouse, shall demand or receive any storage, or other reward for goods landed or lodged within one mile of a public storehouse, and on the same side of the river or creek, such person shall forfeit five pounds current money for every such offence, to the informer; recoverable with costs, by action of debt or information, in any county court.

VIII. Every proprietor of a public storehouse, refusing to take in any tobacco, goods, or merchandizes, brought thereto, shall be liable to make good all damages sustained thereby to the party injured; and also be liable to an action at the common law, for any goods lost out of such storehouse for want of due care, or damnified therein, while under his custody.

 IX. The

IX. The owner or keeper of any ſtorehouſe ſhall, at the time of receiving any goods, give a receipt in writing to the perſon delivering the ſame, particularly mentioning the marks, number, and condition of the ſeveral ſorts of goods by him received; which receipt ſhall be fairly entered in a book to be kept for that purpoſe by ſuch owner or keeper; and on failure to make ſuch fair entry, or refuſal to give a true copy of ſuch receipt, when required, he or ſhe ſhall forfeit twenty ſhillings to the informer for every ſuch failure or refuſal, to be recovered with coſts before any juſtice of the county.

STRAYS.

22 *Geo.* II. (1748) *cap.* 44.

§ I. EVERY perſon that ſhall take up any ſtray horſe, mare, or cattle, or any ſheep, goats, or hogs, or boat or other veſſel a-drift, ſhall cauſe a deſcription of the marks, brand, ſtature, and colour of ſuch horſe, mare, or cattle, and colour of ſuch ſheep, goat, or hog, and the burthen and built of ſuch boat or other veſſel a-drift, to be publickly affixed at the court-houſe of his or her county, on two ſeveral court days next after taking up the ſame, and for a reward of taking up ſhall be paid by the owner five ſhillings for every ſuch horſe, mare, head of cattle, boat, or other veſſel, and one ſhilling for every ſheep, goat, or hog: And every perſon making default herein, or making uſe of any ſuch ſtray, or boat, or other veſſel, ſhall forfeit fifteen ſhillings current money to the informer; to be recovered with coſts, before any juſtice of the county where the offence is committed; and moreover, ſhall pay double damages to the owner.

II. If no owner appears after notice twice publiſhed as aforeſaid, the taker up ſhall apply to a juſtice of that county, who ſhall iſſue his warrant directed to any three honeſt houſe-keepers of the neighbourhood, who having firſt taken an oath before the ſaid juſtice, ſhall view and appraiſe ſuch ſtray, or boat, or other veſſel; and then the property thereof ſhall be veſted in the taker up,

up, who ſhall be anſwerable to the owner at any time afterwards, deducting the reward for taking up.

III. Where the valuation exceeds twenty ſhillings, the taker up ſhall ſend a deſcription of ſuch ſtray, or boat, or other veſſel to the printer, to be advertiſed three times in the *Virginia* Gazette; and if no owner ſhall claim the ſame within ſix months after appraiſement, the property ſhall be veſted in the taker up, but he ſhall be anſwerable to the owner for the valuation money, at any time after, deducting only five *per cent.* for taking up, and the charge of advertiſing, for which the printer may demand and take two ſhillings for the firſt advertiſement, and one ſhillings for the firſt advertiſement, and one ſhilling for every advertiſement after, and no more.

IV. Provided, If after notice publiſhed as aforeſaid, any ſtray ſhall die, or get away; or ſuch boat or veſſel break looſe, or get away, before the owner claims and proves his right, the taker up ſhall not be anſwerable for the ſame.

V. If any perſon, not being a freeholder, houſekeeper, or overſeer, ſhall take up, or make uſe of any ſtray, or boat, or other veſſel a-drift, he or ſhe ſhall forfeit twenty ſhillings to the informer; recoverable, with coſts, before any juſtice of the county; and on failure of payment, or giving ſecurity for payment within one month after conviction, ſhall, by order of ſuch juſtice, receive twenty laſhes on the bare back, well laid on.

SUPERSEDEAS.

27 *Geo.* II. (1753) *cap.* 1. *ſect.* 26.

§ I. THE party praying a ſuperſedeas ſhall petition the governor, and the reſt of the judges of the general court, and aſſign error, and ſome attorney practiſing in the ſaid court, ſhall certify under his hand, That in his opinion ſufficient matter of error is ſet forth by the petitioner; whereupon the governor, and two other of the judges may order ſuch writ to be iſſued by the clerk of the court, or reject the petition as they think

fit; and on granting, and before issuing such writ the petitioner shall give bond and security in the secretaries office, under the like penalties and conditions, and the parties be subject to payment of the like damages as in cases of appeal.

SURETIES.

22 *Geo.* II. (1748) *cap.* 5. *sect.* 19.

§ I. WHEN any person, being security for any decedent's estate, or the estate of any orphan, shall think himself in danger by reason thereof, and petition the court for relief, the court may summon the party with, and for whom the petitioner stands bound, and make such order and decree therein as to them seems equitable for such parties relief, by counter security, or otherwise.

SURPLUS LANDS.

9 *Ann*, (1710) *cap.* 13.

§ I. NO person may enter for any parcel of land held of the crown, by reason of its being surplus land, within any patent, until such person intending to take up and patent the same, shall have given notice to the party holding such land, in like manner as is directed for marshes, swamps, and sunken grounds, and until one year expired after such notice; and if the possessor of such land shall not within the said year obtain rights for the said surplus land, and give an account to the sheriff of the county where such land lies, of the just quantity held by him, and pay all the quit-rents due for the same from the publication of this act; The person who gave such notice may survey the said land at his own charge, and sue forth a new patent for all the surplus land found within the bounds of the patent, deed, or other title or conveyance by which the same is held; which land shall be granted to him in the same manner, and under the like restrictions and conditions as lands not before patented.

II. Pro-

II. Provided, The patentee or poſſeſſor may aſſign the ſurplus land to the perſon claiming the ſame, in what part of the tract he pleaſes in one intire piece.

III. Provided alſo, That if, upon notice given as aforeſaid, the perſon in poſſeſſion ſhall, within the ſaid year, ſurvey his tract, and if it be found that he hath no more land than he pays quit-rents for, the perſon giving ſuch notice ſhall be liable to pay all the charge of the ſaid ſurvey, for his unjuſt vexation, and be liable to an action on the caſe for the ſame, at the ſuit of the party grieved: And in all ſuch new ſurveys, an allowance ſhall be made to the patentee or poſſeſſor, of five acres for every hundred, for variation of inſtruments.

SURVEYORS.

22 *Geo.* II. (1748) *cap.* 19.

§ I. EVERY ſurveyor of land within any county, or aſſiſtant to ſuch ſurveyor, ſhall, before his entrance upon the execution of ſuch office in the court of that county whereof he is appointed ſurveyor or aſſiſtant, enter into bond, with two ſufficient ſureties, to the king, his heirs and ſucceſſors, in the ſum of five hundred pounds current money, for the true and faithful execution and performance of his office; and ſhall alſo then and there make oath, and ſwear, That he will truly and faithfully, to the beſt of his knowledge and power, diſcharge and execute his truſt, office, and employment: Which bond and oath, the juſtices of every county court ſhall cauſe to be entered into, adminiſtred and recorded.

II. If any ſurveyor or aſſiſtant ſhall execute his office before ſuch bond and oath entered into and taken, he ſhall not be entitled to any fee for the ſame, and every thing done by him under colour of his office ſhall be void.

III. When any perſon ſhall offer to enter with any ſurveyor for any land not before granted by patent, if the ſurveyor refuſes to enter the ſame, on pretence it was entered before, he ſhall produce his book of entries to ſuch perſon, and ſhew him the ſaid

entry;

entry; and if required give an attested copy thereof, the person demanding the same paying for such copy two shillings and six pence, and no more.

IV. If any surveyor refuses to produce his said book on request, if the demand be made at the surveyor's house, or any other place where such book is, or to give a copy of any entry, or to enter any land as aforesaid, if such entry required to be made be agreeable to and not interfering with the orders of the governor in council, in relation to the taking up and patenting lands, or refuses upon reasonable notice to survey any lands for any person legally requiring the same, and which may lawfully be done, such surveyor shall forfeit, for every such refusal, twenty pounds current money to the party grieved.

V. If any surveyor or assistant shall enter for lands in his own name, or the name of any other person in his behalf or for his use, such entry shall be made before a justice of the county where the lands lie (not being an assistant:) Which entry such justice shall return to the next court to be recorded, and every entry or survey thereupon made, by or for any surveyor or assistant in any other manner, shall be void, and any other person may enter, survey, and sue forth a patent for the same land.

VI. Where any entry hath been or shall be made for less than four hundred acres of land, and the person making the same, before the survey thereof, shall duly enter for more land adjoining thereto, not exceeding four hundred acres in the whole, the surveyor shall not be entitled to any larger fee for the survey, than he would have been if the whole quantity had been entred for at first.

VII. Where any lands to be surveyed lie in two counties, the surveyor of that county wherein the greatest part lies, shall survey the same.

VIII. Where any land lies in two counties or districts, and the title or bounds shall be in controversy, so as to occasion a survey thereof, by order of the court where such controversy is, though the surveyors of both counties or districts attend, they

shall

ſhall not be entitled to any more for making ſuch ſurvey, than if one ſurveyor only had attended and performed the ſervice.

IX. There ſhall be but one ſurveyor with whom entries for land ſhall be made, for each of the counties of *Brunſwick*, *Amelia*, *Orange*, *Albemarle*, *Auguſta*, and *Louiſa*; and ſuch ſurveyor, and all and every ſurveyor and ſurveyors of the county of *Lunenburg*, ſhall be reſident in ſuch county or diſtrict whereof he is ſurveyor, during the time he continues in office, on penalty of forfeiting ten pounds for every month he reſides out of the ſame; one moiety to the king, the other to the informer.

X. Every ſurveyor making a ſurvey of land, ſhall ſee the ſame plainly bounded by natural bounds or marked trees, and ſhall, within five months after ſurvey, give to his employer a plot and certificate thereof, and enter in a book well bound, to be provided by the court of his county, a true, correct, and fair copy, and plot of every ſurvey by him made, during his continuance in office, within two months after making the ſame, and certify the name of the perſon or perſons for whom any ſurvey is made, the true quantity of land therein contained, the pariſh or place where it lies, the rivers, creeks, and water courſes, and the true bounds, natural or artificial, and the plantations or lands next adjoining; and ſhall, annually, in *June*, return a true and perfect liſt of all ſurveys by him made to his county court clerk's office, to be recorded, upon penalty of forfeiting, for every default in any of the premiſſes, two thouſand pounds of tobacco; one half to the king, and the other to the informer.

XI. The county court, at any time, may appoint two or more capable perſons of their county, to view and examine the ſurveyor's book of ſurveys, and to report how the ſame is kept.

XII. Upon the death or removal of any ſurveyor, the county court may retake his book of ſurveys, and cauſe the ſame to be preſerved among the county records, or delivered to the next ſurveyor, at their diſcretion.

XIII. No ſurvey ſhall be made without chain-carriers, to be paid by the party demanding the ſurvey, and ſworn to meaſure juſtly and exactly, according to the beſt of their knowledge, and

to

to deliver a true account thereof to the ſurveyer; which oath every ſurveyor may adminiſter.

XIV. Any entry legally made, ſhall ſtand good, until notice given by the ſurveyor in writing, publickly affixed at the court-houſe of his county, on two ſucceſſive court days. And where the party claiming ſuch entry, lives in another county, then, in like manner, in that county alſo, that he is ready to proceed to the ſurvey thereof. And if the party claiming, his heirs or aſſigns, ſhall not within one month after ſuch notice, attend the ſurveyor, with all neceſſaries for making ſuch ſurvey, and give him timely warning thereof, ſuch entry ſhall be void.

XV. No ſurveyor ſhall deliver any certificate, copy, or plot of land, ſurveyed by him, except only to the perſon for whom the ſame was ſurveyed, or to his or her order, unleſs ſuch perſon ſhall refuſe to pay the ſurveyor's fees for making ſuch ſurvey, to be proved by the ſheriff's return upon the ſurveyors account delivered him to collect, that the party hath no effects in his bailiwick whereupon he can levy the ſame; or unleſs ſuch party ſhall have legally forfeited his or her right to the land entered for, to be proved by an authentick copy of the order of council declaring ſuch forfeiture produced to the ſurveyor, on pain of forfeiting to the party injured, his or her legal repreſentatives or aſſigns, five hundred pounds of tobacco for every hundred acres of land contained in the ſurvey, whereof a certificate, copy, or plot ſhall be iſſued, or being liable to the action of the party injured, at the common law, for his or her damages, at the election of ſuch party.

XVI. No ſurveyor for any fees due to him by virtue of his office, ſhall directly or indirectly, in his own name, or the name of any other perſon in truſt for him, take any obligation, ſpecialty, note, or other ſecurity, from any perſon whatſoever, for payment of money in lieu of ſuch fees, and all ſuch ſpecialties, notes, or ſecurities ſhall be void.

XVII. If any ſuit ſhall be brought upon any ſuch ſpecialty, note, or ſecurity, the defendant may plead this act in bar thereof, and the plaintiff ſhall join iſſue upon ſuch plea, on trial of

which

which iſſue the *onus probandi*, as to the conſideration for which the ſame was given, ſhall lie upon the plaintiff.

XVIII. All the penalties and forfeitures laid by this act may be recovered with coſts, by action of debt or information, in any court of record, wherein ſuch penalty ſhall be cognizable.

SWEARING.

4 *Ann*, (1705) *cap*. 30. *ſect*. 4.

§ I. IF any perſon ſhall profanely ſwear, curſe, or be drunk, and be thereof convicted by the oath of one or more witneſſes, or by confeſſion before one or more juſtice or juſtices of the county; or if ſuch offence be committed in the preſence and hearing of one or more juſtice or juſtices, or in any court of record, ſuch perſon ſhall forfeit and pay five ſhillings, or fifty pounds of tobacco, for every ſuch offence: And upon refuſal of payment, or to give ſufficient caution for payment thereof at the next pariſh levy, the ſame ſhall be levied on ſuch perſon's goods by warrant from any juſtice before whom the conviction was to be directed, to the ſheriff of the county or conſtable in his reſpective precinct, to be appraiſed and valued as in other diſtreſſes, and the offender not being able to pay ſuch forfeiture, ſhall receive ten laſhes on the bare back, well laid on, for every ſuch offence. See *ſect*. 3. and 4.

II. Provided, Proſecution for any of the ſaid offences be made within two months after the offence committed, and not after.

III. 18 *Geo*. II. (1744) *cap*. 2. Any perſon profanely curſing, or ſwearing, and convicted thereof as in *ſect*. 1. ſhall, for every reſpective oath or curſe ſo ſworn and uttered, forfeit five ſhillings, or fifty pounds of tobacco, and on refuſal to make preſent payment, or to give ſufficient ſecurity for the payment thereof, at laying the next pariſh levy, the ſame ſhall be levied on the goods and chattels of ſuch offender, by execution under the hand of the juſtice before whom the conviction was directed to the ſheriff or conſtable; and if no goods and chattels of ſuch offender can

be found, whereon to levy the ſame, he or ſhe ſhall receive ten laſhes for every ſuch forfeiture.

IV. Provided, No juſtice ſhall give judgment for more than four oaths or curſes, ſworn, or uttered at any one time, or iſſue execution againſt any offender for more than twenty ſhillings, or two hundred pounds of tobacco upon any one conviction, and no offender ſhall receive more than twenty laſhes upon ſuch conviction.

TAR.

22 *Geo.* II. (1748) *cap.* 48.

§ I. THERE ſhall be paid to the perſon making the ſame, two ſhillings for every barrel of good and merchantable tar, made from green trees, prepared after the following manner; that is to ſay, That when ſuch trees were fit to bark, the bark thereof was ſtripped eight foot, or thereabout, up from the root of each tree, a ſlip of the bark, about four inches broad, being left on one ſide of each tree; and that each tree, after being ſo barked, had ſtood one year at leaſt, and was not before that time cut down for the making of tar.

II. Every maker of ſuch tar, before he is entitled to receive the ſaid reward, ſhall deliver a note, in writing, of the mark and number of each barrel, to a juſtice of the county where the ſame was made; and ſhall make oath before him that the ſame is good and merchantable, and according to the directions of this act, and that each barrel doth contain thirty two gallons of neat tar, and that it was made on his land in the ſaid county, or at what place therein, particularly deſcribing the ſame; or that he or any other perſon for him hath obtained a certificate, or received a reward or premium for the ſame: Which oath ſuch juſtice ſhall adminiſter, and grant a certificate of the ſame, being made before him.

III. The perſon intending to export ſuch tar, ſhall produce ſuch certificate to the collector, or naval officer of the diſtrict where ſuch tar ſhall be brought for exportation; and make oath before

before him, That the tar he intends to export, is the ſame as is mentioned in ſuch certificate: Which the ſaid collector, or naval officer, ſhall certify to the governor, or commander in chief; who thereupon may iſſue his warrant to the treaſurer to pay the ſum due by virtue of this act.

IV. Every perſon convicted of making a falſe oath, in obtaining any certificate, to entitle him or her to the reward hereby given, ſhall forfeit four times the money obtained by means of ſuch falſe oath, to the informer; to be recovered with coſts, in any court of record, where the ſame ſhall be cognizable, by action of debt or information; and moreover, ſhall ſuffer as for wilful and corrupt perjury.

V. The treaſurer ſhall pay to the parties entitled thereto, all ſuch ſums as ſhall be ordered by the governor's warrants for the ſaid bounties, out of any public money in his hands, which ſhall be allowed him upon paſſing his accounts; provided, the ſaid rewards ſhall not exceed twelve hundred pounds.

TAXES.

27 *Geo.* II. (1754) *cap.* 1.

§ I. BY this act ſeveral duties were laid, which ſee (*Duties* 5. to 9.) to raiſe ten thouſand pounds for the encouragement and protection of the ſettlers upon the waters of the *Miſſiſſippi*.

II. 28 *Geo.* II. (1754. *cap.* 1. By this act twenty thouſand pounds were directed to be raiſed for the protection of his majeſty's ſubjects, againſt the inſults and incroachment of the *French*, by a poll tax of two ſhillings and ſix pence, or thirty pounds of tobacco on every tithable, to be paid on or before the tenth day of *April*, 1755, and the ſame ſum on or before the tenth day of *October*, 1755.

III. 28 *Geo.* II. (1755) *cap.* 2. By this act ten thouſand pounds were directed to be raiſed for the ſame purpoſes, by a poll tax of two ſhillings on every ſlave, and a tax of one ſhilling and three

 pence

pence on every hundred acres of land, to be paid on or before the tenth day of *April*, 1756.

IV. 29 *Geo.* II. (1755) *cap.* 1. By this act forty thousand pounds are directed to be raised for the protection of his majesty's subjects on the frontiers of this colony, by a poll tax of one shilling on every tithable, and the tax of one shilling and three pence on every hundred acres of land, to be paid yearly, on or before the tenth day of *April*, 1757, 1758, 1759, and 1760.

V. 29 *Geo.* II. (1756) *cap.* 1. By this act twenty five thousand pounds are directed to be raised for the same purposes, by a poll tax of one shilling, or ten pounds of tobacco for every tithable, and a tax of one shilling, or ten pounds of tobacco for every hundred acres of land, to be paid yearly, on or before the tenth day of *April*, 1758, 1759, and 1760, from which the inhabitants on the waters of the *Mississippi*, and in the county of *Hampshire*, are exempted.

VI. 29 *Geo.* II. (1756) *cap.* 2. By this act a poll tax of two shillings, or twenty pounds of tobacco for every tithable, at the option of the payer, to be paid yearly, on or before the tenth day of *April*, 1758, 1759, and 1760, is granted to the king towards raising thirty thousand pounds for the payment of the militia drawn out into service.

VII. 30 *Geo.* II. (1757) *cap.* 1. By this act a duty of two shillings *per* hogshead, on tobacco, a poll tax of two shillings for every tithable, and a tax of one shilling for every hundred acres of land, the taxes to be paid yearly, on or before the tenth day of *April*, 1761, 1762, 1763, and 1764, are granted to the king, towards raising thirty six thousand pounds, for raising and paying twelve hundred and seventy officers and soldiers; six thousand pounds for raising and maintaining three companies of rangers (of one hundred men each;) twenty five thousand pounds for paying off the arrears of the *Virginia* officers, soldiers, rangers, and militia, and building a fort in the *Cherokee* country; and three thousand pounds for defraying the charge of such *Indians*, as have or shall come to the assistance of this colony.

VIII. The

VIII. The poll tax ſhall be collected by the ſheriffs, according to the liſts of tithables taken and ſubſiſting at the time of payment in each year. And where the ſheriff ſhall diſcover any tithable not inliſted, he ſhall collect and account for the ſaid taxes, as if ſuch tithables had been inliſted.

IX. The tax upon land ſhall be paid by the owner to the ſheriff of the county where the lands lie, according to the rent rolls delivered to the reſpective ſheriffs, for the collection of his majeſty's quit-rents in each of the ſaid years.

X. Every proprietor of lands within the Northern Neck of *Virginia*, ſhall, on or before the firſt day of *January*, yearly, deliver to the clerk of the county where he lives, or the lands lie, a true account of the quantity of land he or ſhe holds there, according to the quantity for which they have uſually held the ſame, under the penalty of ten pounds for every ſuch failure, to be paid to the king, to the ſame uſe as the taxes are laid and appropriated; to be recovered with coſts in any court of record,

XI. Such clerk ſhall, within three months after, tranſmit a true copy of ſuch liſts to the treaſurer, and deliver another copy thereof to the ſheriff of the county, or other perſon appointed to collect the ſaid land tax, within one month after receiving the ſame, who ſhall collect the ſaid tax from the ſaid proprietors according to the accounts delivered: Every clerk failing ſhall forfeit five hundred pounds; one moiety to the king, to the ſame uſe, and to be recovered as in *ſect.* 10, and the other to the informer.

XII. Where the ſheriff or collector ſhall diſcover any perſon holds lands within his county of which no account is rendered as aforeſaid, he ſhall collect and levy the ſaid tax, and account for and pay the ſame, as if an account thereof had been rendered.

XIII. Upon non-payment of the land or poll tax, on or before the tenth day of *April*, in each year, the ſheriff may levy the ſame by diſtreſs and ſale of the ſlaves, goods, or chattels of the perſon failing to pay the ſame, as in caſe of other diſtreſſes: And where there are no effects to be found on the lands chargeable with the land tax, the ſheriff of the county where ſuch lands lie,

or of the county where the proprietor lives, may levy the said tax upon the estate of such proprietor wherever it can be found.

XIV. The money collected shall be by the sheriffs respectively accounted for, upon oath, and paid to the treasurer, on or before the tenth day of *June*, yearly, after deducting five *per cent.* for salary, and the treasurer shall account for the same to the assembly, after deducting two *per cent.* for his salary.

XV. All the penalties and forfeitures not otherwise appropriated, shall be to the king, for the same uses as the taxes respectively, and may be recovered with costs, by action of debt or information, in any court of record.

XVII. *John Robinson*, *Peyton Randolph*, and *Charles Carter*, esqrs; *Benjamin Waller*, *John Chiswell*, *Richard Bland*, *James Power*, *William Digges*, *Dudley Digges*, *John Page*, *John Norton*, *William Harwood*, *George Wythe*, *Landon Carter*, *Edmund Pendleton*, and *Robert Carter Nicholas*, gent. or any five of them, are appointed directors for applying the taxes according to the several acts of assembly.

TITHABLES.

22 *Geo.* II. (1748) *cap.* 21.

§ I. ALL male persons of the age of sixteen years and upwards, and all *Negro*, *Mulatto*, and *Indian* women of the same age (except *Indians* tributary to this govenment) and all wives of free *Negros*, *Mulattos*, and *Indians* (except as before excepted) shall be tithable, and chargeable for defraying the public, county and parish levies of this colony, except such only as the county courts, for charitable reasons appearing to them, shall excuse.

II. Provided, Nothing herein shall extend to the governor, or commander in chief of this colony, and his domestick servants, or to the president, masters, scholars, and domestick servants of the college of *William* and *Mary*, or to the person of any beneficed minister, or the person of any constable while in office, so as

to

to charge any of them as tithables within the meaning of this act.

II. The owner or purchaser of every imported child being a servant or slave: And the parent or importer of every male child, being free at the first, second, or third court held for the county where such child shall be, after his arrival in this country, shall bring such child before such county court to have its age adjudged, otherwise such child shall be immediately tithable, though not of the age of sixteen: And the age of such child so adjudged by the court, and recorded, shall be accounted the age of such child in order to its becoming tithable.

IV. The court of each county shall divide the same into convenient precincts, and annually, before the tenth day of *June*, appoint one of the justices for each precinct to take a list of the tithables therein; which justice, before that day, shall give notice of his being appointed, and of the place he designs to take the same at, by advertisement thereof at the church door of the parish wherein his precinct lies; and shall attend on the said tenth day of *June*, if not sunday, and then on the day following, and in *August* court then following, shall deliver a list of the names and number of the tithables, together with the vouchers by him taken, to the clerk of the court, who shall, the next court day, set up fair copies of such lists in the court-house, there to remain, during the court's sitting, for the inspection of all persons, and the discovery of such as shall be concealed.

V. Any justice so appointed, refusing to take, or failing to return such lists and vouchers, shall forfeit two thousand pounds of tobacco; one moiety to the king for the use of that county, towards lessening the county levy, and the other to the informer; to be recovered with costs, by action of debt or information, in any county court.

VI. Every master or owner of a family, or in his absence or non-residence, his or her agent, attorney or overseer, shall, on the said tenth day of *June*, by a list under his or her hand, deliver, or cause to be delivered, to the justice appointed to take the same, the names and number of all tithable persons, in or belonging

ing to his or her family, the ninth of *June*, or the maſter or owner thereof, or in his or her abſence, or non-reſidence upon the plantation, the overſeer ſhall be adjudged a concealer; and for every tithable perſon ſo concealed, ſhall forfeit five hundred pounds of tobacco; one moiety to the king for the uſe of the pariſh, the other to the informer; to be recovered with coſts, by action of debt or information in any court of record where cognizable. And when any overſeer fails to liſt the tithables upon the plantation whereof he is overſeer, the owner ſhall be ſubject to pay their levies, as he would have been if they had been liſted: And if any juſtice appointed to take the liſt of tithables, ſhall not truly enter and liſt the names and number of his own tithables in that precinct in the liſt he gives in, he ſhall be adjudged a concealer, and be liable to pay for every tithable perſon by him concealed, one thouſand pounds of tobacco; to be applied and recovered as aforeſaid.

VII. Provided, If any owner or overſeer ſhall, by ſickneſs, abſence, ignorance of the perſon or place, omit delivering his or her liſt, on the ſaid tenth day of *June*, to the juſtice appointed, ſuch perſon may deliver or ſend his or her liſt to the ſaid juſtice's houſe, before the laſt day of the ſame month, which ſhall diſcharge him or her from the penalty aforeſaid.

VIII. Any owner or overſeer who ſhall remove his or her tithables from one plantation to another, to avoid the payment of high levies by reaſon of public buildings, or other emergencies in the county or pariſh from whence they are ſo removed; and ſhall, after the time appointed to give in the liſts of tithables, cauſe the ſame, or other tithables in their room, to return to the plantation from whence they were removed, ſhall be adjudged a concealer of the tithables ſo removed, and be liable to the penalties aforeſaid, for concealing tithables; to be recovered and applied as aforeſaid.

IX. 8 *Geo*. II. (1734) *cap*. 15. The preſident, maſters, ſcholars, and ſtudents of the college of *William* and *Mary*, and all the domeſtick ſervants belonging to the college ſhall be exempted

from

from being listed as tithables, and from paying any public, county or parish levies, for ever.

TOBACCO.

22 *Geo.* II. (1748) *cap.* 51. *sect.* 2.

§ I. ALL tobacco, before exportation, shall be brought to some public warehouse, and there viewed and inspected.

II. No person shall put on board, or receive into any vessel for exportation any tobacco not packed in hogsheads or casks, upon any pretence whatsoever, nor in any cask to be exported, before it hath been viewed and inspected.

III. All tobacco to be taken on board any vessel, to be therein exported, or put on board any other vessel for exportation, shall be taken on board at some public warehouse, and no other place whatsoever.

IV. Every master, or mate and boatswain, arriving here to lade tobacco, during the continuance of this act, shall, before the said vessel be permitted to take on board any tobacco, make oath before the naval officer of the district where such vessel shall arrive, (which oath such naval officer shall administer) That they will not permit any tobacco whatsoever to be taken on board their respective vessels, except the same be packed in hogsheads or casks, stamped by some inspector: Which oath they shall subscribe in a book to be kept by the naval officer for that purpose: And any master causing any person, not really and *bona fide*, mate or boatswain, to come on shore and take such oath, shall forfeit and pay twenty pounds. And if any master or commander of any vessel shall take, or suffer to be taken on board his vessel any tobacco, brought from any other place than the public warehouses, or any hogshead or cask of tobacco not stamped by some lawful inspectors, or shall suffer to be brought on board any tobacco, except in hogsheads or casks stamped as aforesaid, such master and commander shall forfeit twenty pounds for every hogshead or cask of tobacco not brought from some public warehouse, or

not ſtamped as aforeſaid, and every ſuch hogſhead or caſk of tobacco ſhall be forfeited.

V. Any perſon taking upon him to carry tobacco to or from any of the ſaid warehouſes in any veſſel, for hire, and taking or ſuffering to be taken on board any tobacco, in bulk or parcels, ſuch tobacco ſhall be forfeited, and may be ſeized by any perſon, and ſuch maſter or ſkipper ſhall forfeit twenty ſhillings for every hundred pounds of ſuch tobacco, and ſo proportionably; and the maſter or commander of any veſſel wherein any tobacco in bulk or parcels ſhall be found, ſhall, over and above the forfeiture thereof, be liable to the ſame penalty; to be recovered, if not exceeding five pounds, before any two juſtices *(quorum unus)* of any county near the place where ſuch veſſel lies; and if above five pounds, in any court of record, by action of debt, with coſts. And every ſervant, ſlave, or other perſon employed in navigating ſuch veſſel, conniving at, or concealing the taking on board any ſuch bulk or parcel of tobacco, ſhall, by order of ſuch juſtice, receive, on the bare back, thirty nine laſhes, well laid on: And if ſuch veſſel be under the management or care of a ſervant who cannot pay the penalty, ſuch ſervant, and every other perſon employed under him, who ſhall connive at, or conceal the taking on board ſuch tobacco, in bulk or parcels, ſhall, upon complaint made to any juſtice, receive, by his order, thirty nine laſhes, well laid on: And if ſuch ſervant ſhall be again truſted with the care and management of any veſſel, and be convicted a ſecond time of taking on board the ſame, any tobacco, in bulk or parcels, the owner of ſuch ſervant ſhall forfeit the ſaid penalty of twenty ſhillings for every hundred pounds of tobacco, and five ſhillings for every day he ſhall thereafter employ ſuch ſervant as ſkipper, or maſter of any veſſel to him belonging, to be recovered and applied as aforeſaid.

VI. Provided, Nothing herein ſhall be conſtrued to prohibit any perſon from carrying to the ſaid warehouſes any tobacco, in bulk or parcels, in any veſſel for payment of levies or debts, or other duties, nor to prohibit any perſon to put or take on board any veſſel, any hogſhead or caſk of tobacco, to be water-born to

any

any public warehouſe within that naval officer's diſtrict wherein ſuch tobacco was made, nor the owner of any tobacco to tranſport his crops, or any part thereof, in hogſheads or caſks, from one plantation to another, for better managing thereof; nor any purchaſer of tobacco from bringing the ſame by water, to be repacked and ſorted, ſtemed or prized, before the ſame be carried to the ſaid warehouſes, ſo as the ſaid tobacco be packed in hogſheads or caſks: But no tobacco ſhall be carried, on any pretence, out of that naval officer's diſtrict where it was made, or be inſpected by any inſpectors, knowing the ſame to be made out of ſuch diſtrict, on forfeiture by the owner of ſuch tobacco, and the inſpectors paſſing it, twenty ſhillings for every hogſhead to the informer.

VII. Provided, The inhabitants of *Fleet*'s Bay, on the South-ſide of *Indian* Creek, in *Lancaſter*, may carry their tobacco to the warehouſes at *Indian* Creek, and the inhabitants of *Warwickſqueak* Bay, and the parts adjacent, may carry theirs to any warehouſe in the upper diſtrict of *James' River*.

VIII. Every maſter of a veſſel wherein tobacco ſhall be laden, ſhall, at the time of clearing, deliver to the naval officer two fair manifeſts, expreſſing the mark and number of every hogſhead, the tare and neat weight ſtamped thereon, the perſon by whom ſhipped, and from what warehouſe, and make oath thereto, and that the ſame is a juſt and true account, as the ſame was taken down by the perſon or perſons appointed by him to take the ſame, before the ſaid tobacco was ſtowed away, and no veſſel ſhall be cleared by the naval officer before he receives ſuch manifeſts: One of which ſhall by him be annexed to ſuch maſter's clearance, to be delivered to the chief officer of the cuſtoms in the port or place where ſuch veſſel ſhall unlade, and the other ſhall be tranſmitted by the ſaid naval officer, to the ſaid chief officer of the cuſtoms by the next convenient opportunity.

IX. If the ſkipper of any veſſel, or other perſon to whom the care and management thereof ſhall be entruſted, ſhall land any hogſhead, caſk, or package of tobacco put on board the ſame, to be carried to any public warehouſe at any other place, or put

the ſame on board any other veſſel, or ſuffer the ſame to be done, ſo as the ſame be not delivered at ſome public warehouſe, without fraud or imbezlement, or ſhall open any hogſhead or caſk, ſo as aforeſaid water-born and landed, and take thereout any tobacco before the ſame be viewed by the inſpectors, or after the ſame hath been viewed ſhall fradulently open any hogſhead or caſk, and take thereout any tobacco, every ſuch offence ſhall be adjudged felony, and the offender or offenders ſhall ſuffer as in caſe of felony.

X. Provided, Nothing herein ſhall be conſtrued to prohibit the landing of any hogſhead, caſk, or package of tobacco, out of any veſſel, by diſtreſs of weather forced on ground, or become leaky, ſo as ſuch landing be really and *bona fide* for the preſervation of the tobacco: And that the ſame be, with all convenient ſpeed, carried thereafter to the warehouſe or ſhip (as the caſe ſhall be) to which it was deſigned without imbezlement.

XI. Provided alſo, If by any of the accidents aforeſaid, or negligence of the maſter or ſkipper of any veſſel, any tobacco viewed and ſtamped, ſhall, in its carriage to the ſhip in which it is to be exported, receive ſo much damage that the maſter of ſuch ſhip will not receive it on board, every hogſhead or caſk of tobacco ſo damnified, ſhall, with all convenient ſpeed, be carried to ſome public warehouſe, and there lodged till the owner of ſuch tobacco, or maſter of the veſſel in which it was damaged ſhall have ſeparated the ſame, and repacked the good tobacco, and then the ſame ſhall be weighed, and ſtamped with the weight, by the inſpectors attending ſuch warehouſe, without fee or reward: But if ſuch owner or maſter ſhall not, within ten days, ſeparate and repack the ſame, the inſpectors of ſuch warehouſe ſhall ſeparate, repack, weigh, and ſtamp the ſame, and receive of the owner five ſhillings for each hogſhead or caſk, before the ſame is delivered out for exportation.

XII. All ſtemed tobacco not laid ſtrait, whether looſe or in bundles, ſhall be accounted unlawful; and no tobacco packed in hogſheads which exceed forty eight inches in length of the ſtave, or thirty inches at the head within the crow, making rea-

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ſonable allowance for prizing, not exceeding two inches above the gauge in the prizing head, ſhall be paſſed or received.

XIII. The owner of tobacco packed in caſks of greater dimenſions, ſhall repack the ſame in ſizable caſks, at his own charge, before the ſame ſhall be received and ſtamped by the inſpectors.

XIV. No tobacco of the growth of this colony ſhall be carried into North *Carolina*, or *Maryland*, until it hath been firſt viewed, examined, and ſtamped, nor until due entry thereof with the officers of the cuſtoms in the diſtrict where the owner of the tobacco reſides, and a permit obtained from them for that purpoſe, under the penalty of forfeiting five pounds for every hogſhead or caſk, and twenty ſhillings for every hundred pounds of tobacco, in bulk or parcels ſo carried.

XV. All ſheriffs, under-ſheriffs, and conſtables ſhall make oath, That if they ſhall at any time know, or be credibly informed, or have good reaſon to ſuſpect that any tobacco is preſſed or packed in any caſk, cheſt, or package whatſoever, or any tobacco is put on board any boat or veſſel, in order to be ſhipped off without being inſpected, or that any tobacco is carrying or carried out of this colony into *Carolina*, or *Maryland*, without a permit, for ſo doing they will forthwith make information, and a particular diſcovery thereof to the next juſtice of the county where ſuch tobacco ſhall be; which oath ſhall be taken by all ſheriffs, and underſheriffs, at the time they are reſpectively ſworn into their office, of which they ſhall obtain a certificate; every ſuch officer failing ſhall forfeit five pounds to the informer; to be recovered with coſts, by action of debt or information, in any court of record.

XVI. Every inſpector and conſtable ſhall take the ſame oath at the firſt court held for the county where he reſides, or at the ſame court, if ſworn at the county court after he ſhall be ſworn in his office, under the like penalty.

XVII. Any juſtice who ſhall know or be informed by any perſon, upon oath, of any ſuch tobacco ſo preſſed and packed, in order to be carried out of this colony without inſpection, or any ſheriff, underſheriff, or conſtable, by his warrant, may and ſhall

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enter any ſuſpected houſe, and break open all doors, by day or night, to ſearch for the ſame, and finding any tobacco in any caſk, cheſt, or caſe, that ſhall not contain two hundred pounds neat, or any package made up in linen cords, or ſpun yarn of any weight whatſoever, ſuch juſtice, ſheriff, underſheriff, or conſtable, ſhall ſeize and deſtroy the ſame: And the perſon in whoſe poſſeſſion the ſame ſhall be found, ſhall forfeit, to the informer, ten ſhillings for every hundred pounds weight, and ſo in proportion for a leſs quantity; to be recovered with coſts in any court of record, if twenty five ſhillings current money or more; if under that ſum, before any juſtice of the county, who may iſſue an execution either againſt the body or goods of the offender.

XVIII. Any juſtice near the place where any veſſel rides, uppon application to him made by any perſon ſuſpecting any tobacco, in bulk or parcels, to be on board ſuch veſſel, ſhall iſſue his warrant directed to the ſheriff, or any conſtable of his county, who ſhall go on board ſuch veſſel, to ſearch for and ſeize ſuch tobacco, and the ſame being ſeized ſhall be brought on ſhore, and carried before the ſame or any other juſtice, who ſhall cauſe the ſame to be weighed, and immediately burnt by ſuch ſheriff or conſtable.

XIX. If any maſter, commanding officer, or ſkipper of any veſſel, or other perſon whatſoever, ſhall reſiſt the officer in the execution of any ſuch warrant, ſuch maſter, or commanding officer, ſhall forfeit fifty pounds, and ſuch ſkipper, ſailor, or other perſon, ten pounds.

XX. Any juſtice, ſheriff, underſheriff, or conſtable, ſued for doing any thing in execution of this act, may plead the general iſſue, and give this act in evidence; and if the plantiff be nonſuit, or judgment paſſes againſt him, upon verdict or demurrer, the defendant ſhall recover double coſts.

XXI. No perſon ſhall cut, manufacture, or prize into any caſk, any tobacco which ſhall not have been viewed and paſſed at ſome public warehouſe, before the ſame hath been cut and prized.

XXII. Eve-

XXII. Every perſon bringing any caſk of cut and manufactured tobacco to any warehouſe to be inſpected, ſhall before the ſame is viewed, examined, or ſtamped, make oath before the inſpectors, or one of them, That all the tobacco cut and manufactured, contained and prized in ſuch hogſhead or caſk, was, before the ſame was cut and prized, viewed, examined and paſſed at ſome or one of the public warehouſes of this colony; and that to his knowledge, privity, or direction, no other tobacco hath been packed, or prized in ſuch hogſhead or caſk, and no inſpectors ſhall view, paſs, and ſtamp any hogſhead or caſk of cut and manufactured tobacco, before ſuch oath taken by the perſon bringing or owning the ſame.

XXIII. Any perſon cutting and manufacturing any tobacco which ſhall not have been firſt inſpected, ſhall forfeit for every ſuch offence, ten pounds, and ſuffer as in caſe of wilful and corrupt perjury.

XXIV. Any light hogſhead, or parcel of tobacco, after the ſame hath been paſſed but not ſtamped, may be delivered by the inſpectors, to the owner of their notes, and ſuch tobacco may be carried away for the better ſorting, and ſteming, or cutting the ſame; provided, ſuch tobacco be not ſhipped, until it be again inſpected, paſſed, and ſtamped (for which the inſpectors ſhall receive the eſtabliſhed fees) under the penalties inflicted for ſhipping tobacco not inſpected and ſtamped according to the directions of this act.

XXV. 25 *Geo.* II. (1752) *cap.* 3. *ſect.* 9. If any tobacco hath remained in a public warehouſe three years after inſpection, the inſpectors at ſuch warehouſe ſhall advertiſe in the *Virginia* Gazette, a liſt of the marks, numbers, and weights of ſuch tobacco; and if no owner appears to claim the ſame within ſix months, they ſhall, at the next court to be held for that county in which ſuch warehouſe is, after the expiration thereof, deliver to the ſaid court the like liſt; which court ſhall order the ſame to be ſold publickly at the court-houſe door, on a court day, to the higheſt bidder; and the money ariſing from the ſale thereof, ſhall be paid by the inſpectors to the treaſurer, who ſhall account

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for the ſame to the general aſſembly: And if any perſon having a right in any tobacco ſo ſold, ſhall prove his property therein, the treaſurer ſhall repay to ſuch perſon the money for which ſuch tobacco was ſold.

XXVI. This, and the act of 22 *Geo.* II. *cap.* 50. for ſo much as is not repealed, by this act ſhall continue in force till *October* 20. 1760. and to the end of the next ſeſſion of aſſembly.

TOBACCO SECONDS.

4 *Ann*, (1705) *cap.* 46.

§ I. WHOSOEVER ſhall tend, or cauſe, or ſuffer to be tended any ſeconds for tobacco, ſhall forfeit five hundred pounds of tobacco for every tithable perſon he ſhall have, or employ that year on the plantation where the ſeconds ſhall grow.

II. Provided, Where any perſon ſhall entruſt his or her plantation, and the ſervants and ſlaves thereon, to the management of an overſeer, being a free man, the owner of ſuch plantation, ſervants and ſlaves, ſhall not be liable, but ſuch overſeer tending, or ſuffering to be tended any ſeconds, ſhall incur the ſaid penalty of five hundred pounds of tobacco for every tithable perſon employed that year upon the plantation under his charge, where ſuch ſeconds ſhall grow.

III. 7 *Geo.* I. (1720) *cap.* 5. Whoever ſhall weed, top, hill, ſucker, houſe, cure, ſtrip, or pack any ſeconds, ſuckers, or ſlips of tobacco, or cauſe, or ſuffer the ſame to be done on or upon any plantation, ſhall, for every ſuch offence, forfeit and pay, over and above the penalties laid on ſuch perſons who ſhall tend or ſuffer to be tended any ſeconds, the further ſum of five hundred pounds of tobacco for every perſon employed on any ſuch plantation where ſuch ſeconds, ſuckers, or ſlips ſhall grow.

IV. Provided, Where any perſon ſhall intruſt his or her plantation, and the ſervants and ſlaves thereon, to the management of an overſeer, being a freeman, the owner of ſuch plantation, ſervants, and ſlaves, ſhall not be liable; but ſuch overſeer who

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ſhall weed, top, hill, ſucker, houſe, cure, ſtrip, or pack any ſeconds, ſuckers, or ſlips of tobacco, or cauſe, or ſuffer the ſame to be done, ſhall incur the penalties.

V. 3 and 4 *Geo.* II. (1730) *cap.* 1. Every conſtable ſhall yearly, between the laſt day of *July*, and the tenth day of *Auguſt*, and between the twentieth day of *Auguſt*, and the tenth of *September*, and at ſuch other times as he ſhall think fit, repair to the ſeveral fields and places whereon tobacco ſhall be planted or tended within his precinct, and diligently view the ſame, to diſcover whether any ſlips or ſuckers ſhall be turned out, or tended from the ſtalks, from which any tobacco plant hath been before cut above the height of nine inches from the ground: And if any owner or overſeer, ſhall refuſe to ſhew ſuch conſtable all ſuch fields and places, on his or her plantation, where tobacco hath been planted or tended that year, ſuch owner or overſeer ſhall forfeit five hundred pounds of tobacco for every perſon employed in making tobacco on his or her plantation that year: And if any conſtable ſhall turn out or tend any ſuch ſlips or ſuckers on his plantation, ſuch conſtable ſhall forfeit five hundred pounds of tobacco for every perſon employed in making tobacco on ſuch plantation that year.

VI. Every conſtable knowingly allowing any perſon, within the precinct, to tend any ſeconds, ſlips or ſuckers ſhall forfeit one thouſand pounds of tobacco.

VI. There ſhall be levied on every tithable in each county, one pound of tobacco, to be diſtributed to the reſpective conſtables, in proportion to the number of tithables in their reſpective precincts, to be levied by the county court, and paid to ſuch conſtables by the collector of the county levy.

VIII. Every county court, upon the information of any conſtable, againſt any perſon for breach of this or any other act againſt tending of ſeconds, ſhall order the attorney appointed to proſecute in ſuch court for his majeſty, to bring ſuit againſt ſuch perſon for the reſpective forfeitures thereby incurred.

IX. 10 *Geo.* II. (1736) *cap.* 9. So much of the act of 3 and 4 *Geo.* II. *cap.* 1. and the oath therein directed, to be taken by the

conſtables, ſo far as the ſame directs the cutting up ſlips and ſuckers, not turned out and tended, in order to make ſeconds, is hereby repealed: And no planter ſhall be obliged to cut up the ſuckers growing naturally from the root or ſtalk of any tobacco plants that have been cut down.

X. Every conſtable ſhall take the following oath before ſome juſtice of the county wherein he reſides, which ſuch juſtice may and ſhall adminiſter, *viz.*

I *A. B.* do ſwear, *That I will diligently and carefully view the ſeveral fields and places whereon tobacco ſhall be planted and tended, within the precinct whereof I am conſtable, and will make true information of all perſons within my ſaid precinct, whom I ſhall know to be guilty of the breach of any law of this colony, made againſt tending of ſlips or ſeconds, to the next court held for my county, after the ſame ſhall come to my knowledge.*

So help me God.

XI. Every conſtable performing his duty according to the directions of this act, and the ſaid act of 3 and 4 *Geo.* II. *cap.* 1. ſo far as the ſame is in force, ſhall have the encouragement by the ſaid act directed.

XII. Provided, The juſtices ſhall not levy any tobacco for the conſtables, if it ſhall appear to them that they have not made their perambulations, and done their duty according to the true intent and meaning of the ſaid act.

XIII. If any conſtable refuſes to take upon him the duty directed by the ſaid act, or taking the oath herein before directed, neglects his duty, he ſhall forfeit one thouſand pounds of tobacco; one moiety to the king, *&c.* the other to the informer; to be recovered, by action of debt, in any court of record.

TOWNS.

§ I. THE following towns were eſtabliſhed by divers acts of aſſembly, made in the ſeveral years mentioned in the table underneath, but moſt of them are gone to decay.

N.	Towns.		In what county.	What year.	Fairs.
1	Alexandria	H. C.	Fairfax	1748	Laſt Thurſday in *May* and *October* & laſts two days each.
2	Accomack		Accomack	1691	
3	Bermuda hundred		Henrico	1691	
4	Beverley		Henrico	1752	
5	Blandford	C.	Prince George	1748	
6	Cherryſtones		Northamton	1691	
7	Cheſter	C.	Henrico	1748	
8	Coan		Northumberland	1691	
9	Colcheſter	C.	Fairfax	1753	
10	Corotoman		Lancaſter	1691	
11	Cumberland		New Kent	1748	
12	Dumfries	H. C.	Prince William	1748	
13	Falmouth		King George	1727	
14	Flower de hundred		Charles City	1691	
15	Fredricksburg	H. C.	Spotſylvania	1727	The day after the court day in *June* & *October*, and laſts two days each.
16	Glouceſter	H. C.	Glouceſter	1691	
17	Hampton	H. C.	Elizabeth city	1691	
18	Huffs-point		Nanſemund	1691	
19	James' Town or City		James' City	1661	
20	Leeds		King George	1742	
21	Marlborough		Stafford	1691	
22	Newcaſtle	H. C.	Hanover	1744	Second Tueſday in *May* and *October* two days each.
23	New Town	H.	Princeſs Ann	1740	
24	Nominy		Weſtmorland	1691	
25	Norfolk	H. C.	Norfolk	1691	

N.	Towns.		In what county.	What year.	Fairs.
26	Patesfield		Isle of Wight	1691	
27	Petersburg	C.	Prince George	1748	
28	Pocohonta's	C.	Chesterfield	1752	
29	Port Royal	C.	Caroline	1744	
30	Portsmouth	C.	Norfolk	1752	
31	Princess Ann Port		James' City	1705	
32	Queen Mary's Port		York	1705	
33	Richmond	C.	Henrico	1742	Second Tuesday in *May* & *November* two days each.
34	Smithfield	C.	Isle of Wight	1752	
35	Staunton		Augusta	1748	Fourth *Wednesday* in *May* and *September* two days each.
36	Suffolk	H. C.	Nansemund	1742	First Thursday in *May* and *November* two days each.
37	Tappahanock	H.	Essex	1691	
38	Urbanna	H.	Middlesex	1691	
39	Walkerton		King and Queen	1705	
40	Warwick		Warwick	1691	
41	West-Point	H.	King William	1691	
42	Williamsburg	H. C.	York & James City	1699	
43	Winchester		Frederick	1752	Third *Wednesday* in *June* and *October*, two days each.
44	York	H. C.	York	1691	

C. Wooden chimneys not permitted in the towns so marked.

H. Hogs not permitted to run at large in those towns so marked.

II. 4 *Ann*, (1705) *Cap*. 44. Where any county hath purchased, laid out, and paid for any land for a port or town, pursuant to the act of 3 *William* and *Mary*, *cap*. 8. or to any other act of assembly, and hath vested the same in feoffees or trustees, according to the said act or acts, such feoffees or trustees so invested are hereby declared to have a good, absolute and indefeasible estate in fee in such land, which hath not been disposed of by the former trustees

truſtees in truſt and confidence, and for the uſes in the ſaid act of 3 *William* and *Mary* mentioned, and for no other uſe or purpoſe; and ſuch lands are hereby confirmed to ſuch feoffees in fee, to ſuch uſe or uſes, notwithſtanding the ſuſpenſion of the ſaid act, or any other law, ſtatute, uſage or cuſtom.

III. Where any county purſuant to the ſaid act, hath purchaſed, laid out and paid for fifty acres of land, and the ſame by the death or refuſal of the proprietor, or other accident, hath not been conveyed to truſtees, according to the ſaid law or laws, ſuch lands are hereby confirmed to ſuch feoffees or truſtees as by virtue of this act ſhall be appointed by the county courts, to and for the uſes aforeſaid, in as full and ample manner, as if ſuch lands had been actually conveyed in law by ſuch proprietors to ſuch feoffees or truſtees, in manner as by the ſaid act of 3 *William* and *Mary* is expreſſed.

IV. If in any county the feoffees or truſtees appointed by virtue of the ſaid act be dead, or departed out of this country, the court of ſuch county may, and ſhall appoint other feoffees or truſtees, who are hereby confirmed and inveſted in the fee of all ſuch land or lands (not by former truſtees diſpoſed of) to the uſe or uſes aforementioned: And all feoffees or truſtees, may and ſhall, in their reſpective county, convey any lot or lots, half acre, or half acres of land, to ſuch perſons as deſire to take up the ſame, according to the ſaid act of 3 *William* and *Mary*, and upon the conditions therein ſpecified, as if the ſaid act had never been ſuſpended.

V. If any perſon hath purchaſed, and paid for any lot purſuant to the ſaid law and fully complied with the conditions in the ſaid law mentioned, ſuch perſon is hereby declared to have a good abſolute and indefeaſible eſtate in fee to ſuch lot, and the ſame is hereby confirmed to ſuch perſon, and his or her heirs for ever.

TREASURER.

29 *Geo.* II. (1756) *cap.* 3.

§ I. JOHN ROBINSON eſq; is appointed treaſurer of the revenue ariſing from the duties laid by the acts of 19 *Geo.* II, *cap.*

cap. 52. 25 *Geo.* II. *cap.* 2. (which ſee in *Duty upon Liquors*) and 25 *Geo.* II. *cap.* 1. (*Duty on Slaves*) and all other public monies payable to the treaſurer of this colony for public uſes, by virtue of any other acts of aſſembly, to hold the ſaid office as long as he ſhall continue ſpeaker of the houſe of burgeſſes, and from the time of his being out of the ſaid office, to the end of the next ſeſſion of aſſembly: And he ſhall demand and receive from the ſeveral collectors of the ſaid duties, all ſums of money ariſing by virtue of the ſaid acts, and ſhall apply the ſame to ſuch uſes, and upon ſuch warrants as by the ſaid acts, or any other, is or ſhall be appointed, and ſhall be accountable for the ſaid money to the general aſſembly.

II. The ſalary of five pounds in the hundred, or ſo much as is or ſhall be allowed by any ſpecial act or acts of aſſembly, and ſo *pro rato*, ſhall be allowed to the ſaid treaſurer, out of all money by him received, and accounted for to the aſſembly as aforeſaid. And the ſaid treaſurer ſhall be alſo allowed one hundred and fifty pounds *per annum*, for auditing and ſettling the inſpectors accounts, during the continuance of the laws made in that behalf.

III. Provided, That the ſaid treaſurer ſhall give ſecurity to be approved of by the governor, or commander in chief, in the ſum of fifty thouſand pounds, for paying all money by him from time to time received as aforeſaid.

IV. In caſe of the death, reſignation, or diſability of the ſaid treaſurer, the governor, or commander in chief, with the advice of the council, may appoint ſome other fit and able perſon to be treaſurer of the duties; to hold the ſaid office, with all powers, authorities, ſalaries, and profits as aforeſaid, until the end of the next ſeſſion of aſſembly: Which treaſurer ſhall, before he enters upon his office, give the like ſecurity as herein before directed.

TREA-

TREASURY NOTES.

28 *Geo.* II. (1755) *cap.* 2.

§ I. JOHN ROBINSON esq; treasurer, may, before *June* 10. 1755. issue any number of treasury notes, not exceeding twenty thousand pounds, printed or engraved, numbered and signed, as he shall think fit to pass current in all payments, except for his majesty's quit-rents, and be redeemed with five *per cent. per annum* interest on the last day of *June*, 1756.

II. 29 *Geo.* II. (1755) *cap.* 1. The said treasurer may, before *August* 1. 1756. issue any number of such notes, not exceeding forty thousand pounds, as he shall think fit to answer the purposes of the said act, to be redeemed the last day of *June*, 1760. with interest at five *per cent. per annum.*

III. 29 *Geo.* II. (1756) *cap.* 1. The said treasurer may, before *March* 25. 1757. issue any number of such notes, not exceeding twenty five thousand pounds, as he shall think fit to answer the purposes of the said act, to be redeemed the last day of *June*, 1760. with interest at the rate of five *per cent. per annum.*

IV. 29 *Geo.* II. (1756) *cap.* 2. The said treasurer may, before *March* 25. 1757. issue any number of such notes, not exceeding thirty thousand pounds, as he shall think fit to answer the purposes of the said act, to be redeemed the last day of *June*, 1760. with interest at the rate of five *per cent. per annum.*

V. 29 *Geo.* II. (1756) *cap.* 9. The said treasurer may, before the last day of *October*, 1756. issue any number of such notes, not exceeding ten thousand pounds, as he shall think fit to answer the purposes of the said act, to be redeemed *December* 15. 1757.

VI. 30 *Geo.* II. (1757) *cap.* 1. The said treasurer may issue any number of such notes, not exceeding eighty thousand pounds, as he shall think fit to answer the purposes of the said act (which see *Taxes*, *sect.* 7.)

VII. The said treasurer shall, as soon as conveniently may be, after *December*, 1757. take in all the treasury notes, issued pursuant to the former acts, (*Sect.* 2, 3, 4.) and pay the proprietors there-

thereof the ſums for which the ſame iſſued, with intereſt thereon after the rate of five *per cent. per annum*, from the reſpective dates to the ſaid firſt day of *December*.

VIII. The ſaid treaſurer may emit treaſury notes, to anſwer the demands made upon him for the former notes ſo to be taken; in which notes to be iſſued ſhall be prepared, printed, and engraved as the ſaid treaſurer ſhall judge moſt ſafe from counterfeits and forgeries, and of the following value, and ſigned by the following perſons, *viz.*

Notes	£	s.	d.	To be ſigned by,
6,000 notes of the value of	£10	each.		*Peyton Randolph*, eſq; and *Robert Cartes Nicholas*, gentlemen.
6,000	5	0	0	
6,000	3	0	0	
6,000	2	0	0	
30,000	1	0	0	*Benjamin Waller*, and *Philip Johnſon*, gent.
30,000	0	10	0	
30,000	0	5	0	*John Randolph*, eſq;
30,000	0	2	6	
33,000	0	1	3	*Edm. Pendleton*, gent.
33,000	0	1	0	

Which notes ſo ſigned ſhall be delivered to the treaſurer, who ſhall be allowed one *per cent.* for his trouble in paying the ſame, and taking in the old notes as aforeſaid.

IX. All the treaſury notes, iſſued purſuant to the aforeſaid acts, ſhall, from and after the ſaid firſt day of *December*, 1757. ceaſe to be current, and from thence be null and void.

X. *Peyton Randolph*, eſq; *Benjamin Waller*, *Robert Carter Nicholas*, *Dudley Digges*, and *Philip Johnſon*, gentlemen, or any three of them, are appointed a committee to examine all ſuch old notes as ſhall be taken in by the treaſurer, which they ſhall cauſe to be burnt in their preſence, and give the treaſurer a certificate of the amount of ſuch notes, with the intereſt thereon to be allowed him in the ſettlement of his accounts; and they ſhall in like manner, from time to time, examine all ſuch notes, to be

iſſued

issued in pursuance of this act, which the treasurer, for the time being, shall be willing to deliver up, and on receipt thereof, give him a certificate of the amount of such notes, to be allowed in the settlement of his accounts; and the said committee, as soon as they have given such certificate, shall cause such notes to be burnt and destroyed.

XI. All notes issued in pursuance of this act, shall be redeemable on the first day of *March*, 1765. and be then paid by the treasurer for the time being.

XII. All such notes shall be received, and pass as a lawful tender in payment of any debt, duty, or demand whatsoever (except for the payment of his majesty's quit-rents) from the time of their issuing, to the time of their redemption.

XIII. Any person within this colony, who, during the time the said treasury notes are to remain current, shall offer to sell or expose to sale any goods or chattels, lands or tenements whatsoever, and shall deny, or refuse to sell the same, or demand a greater price, unless he be paid for the same in gold or silver coin, and not in the said notes; or if any person shall exchange gold or silver coin for the said bills, and demand or take any allowance for the difference of the value thereof, or shall offer to buy or sell bills of exchange, at a greater or higher difference of exchange for the said treasury bills than for gold or silver coin, or shall use any other device, means, or method whatsoever, whereby the credit of the said notes may be impaired, shall forfeit and pay after the rate of twenty *per cent*. upon the value of the goods or chattels, lands or tenements so offered or exposed to sale, or of the money exchanged, or of the bills of exchange so bought or sold; to be recovered by the informer to his own use, before any justice, where the penalty does not amount to more than twenty five shillings; and where it shall exceed that sum, the said penalty shall be one half to the king for the public use, to be paid to the treasurer, and disposed of as the general assembly shall direct, and the other half to the informer; to be recovered with costs, by action of debt or information, in any court of record.

XIV. Any person who shall forge, counterfeit, alter, or erase any such treasury note, or tender in payment by way of barter, or otherwise, or demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered, or erased, shall, on conviction, be adjudged a felon, and suffer as in cases of felony, without benefit of clergy.

XV. The money to be raised by the duties and taxes imposed by this and the before recited acts, shall remain as a security for the redemption of the said treasury notes so to be issued, and the treasurer, for the time being, shall apply all such money as shall come to his hands by virtue of the said acts, for and towards the redemption of the said treasury notes, and to no other use whatsoever.

TRIAL.

27 *Geo.* II. (1753) *cap.* 1. *sect.* 24.

§ I. NO issue shall be tried the next general court after it is joined, without ten days notice by the plaintiff's attorney, to the defendant or his attorney, if the defendant lives within twenty miles of the general court, if further twenty days notice.

II. If an issue be not tried, or writ of enquiry executed the next court, no notice need be given.

III. Where a special verdict is found, or case agreed, time shall be allowed at the motion of either party to argue it.

VAGABONDS.

22 *Geo.* II. (1748) *cap.* 18. *sect.* 3.

§ I. ALL persons able in body, and not having wherewithal to maintain themselves, who shall be found loitering, and neglecting to labour for reasonable wages: All persons who run from their habitations, and leave wives or children without suitable means for their subsistance, whereby they are like to become burthensome to the parish; and all other idle, vagrant, or

disso-

diſſolute perſons wandering abroad, without betaking themſelves to ſome lawful employment or labour, or that go about begging, ſhall be adjudged and deemed rogues and vagabonds.

II. If any ſuch vagabond be found in any place, wandering, begging, or miſordering him or herſelf, any juſtice of that county by warrant under his hand, ſhall cauſe ſuch vagabond to be brought before him, and may examine and inform himſelf, as well by the oath and examination of ſuch vagabond, as of any other perſons, and by any other means he ſhall think proper, of the condition of the perſon ſo apprehended: and if ſuch perſon comes under the deſcription of a vagabond in this act, ſhall by warrant order him or her to be conveyed, and whipt in the ſame manner as runaways are from conſtable to conſtable, to the pariſh wherein his wife or children inhabit, or where he or ſhe did laſt reſide, and there delivered to a juſtice, who ſhall cauſe ſuch vagabond to give ſecurity for his or her good behaviour, and betaking him or herſelf to ſome lawful calling or labour; and on failure ſo to do, ſhall commit ſuch vagabond to the county goal, there to remain until ſuch ſecurity be given, or till the next court, which court if no ſecurity is then offered may bind ſuch vagabond to ſervice on wages for one year, and ſuch wages after deducting the charges of the proſecution, and neceſſary cloathing ſhall be applied towards ſupporting the family of ſuch ſervant, if any, or otherwiſe paid to the perſon ſo bound, after his or her time of ſervice expired, in full of all other recompence or reward; but if he or ſhe be of ſuch ill repute, that no one will receive him or her into ſervice, the court ſhall order him or her thirty laſhes, at the public whipping poſt, and then to be diſcharged; and in both caſes, every ſuch vagabond ſhall be afterwards liable to the like proſecution and puniſhment, for every offence of vagrancy whereof he or ſhe ſhall be guilty as aforeſaid.

III. When any ſuch vagabond ſhall be brought before a juſtice, and it ſhall not appear to ſuch juſtice, that he or ſhe has acquired a legal ſettlement in any pariſh, he ſhall cauſe ſuch vagabond to give ſecurity for his or her good behaviour, and betaking him or herſelf to ſome honeſt calling or employment; and on failure thereof,

of, ſhall commit him or her to the county goal, there to remain, and be dealt with, as is herein before directed.

VESTRIES.

13 *Car.* II. (1661) *cap.* 2.

§ I. FOR the making and proportioning the levies and aſſeſſments for building and repairing the churches and chapels, proviſion for the poor, maintenance of the miniſter, and ſuch other neceſſary uſes, and for the more orderly managing all parochial affairs.

II. Twelve of the moſt able men of each pariſh ſhall be, by the major part of the ſaid pariſh, choſen to be a veſtry, out of which number the miniſter and veſtry ſhall chooſe two church-wardens yearly, and in caſe of the death of any veſtry man or his departure out of the pariſh, the ſaid miniſter and veſtry ſhall chooſe another to ſupply his room.

III. 22 *Geo.* II. (1748) *cap.* 7. In all caſes where a fine is laid upon the members of any veſtry, one action may be brought againſt them all jointly.

IV. 30 *Geo.* II. (1757) *cap.* 12. Any veſtry man may reſign his place, and the remaining veſtry men may elect another in his room.

V. Every veſtry man hereafter elected ſhall, before he is admitted to act as ſuch, take the oaths appointed by act of parliament to be taken inſtead of the oaths allegiance and ſupremacy, and take and ſubſcribe the oath appointed to be taken by an act of parliament made in the firſt year of the reign of his late majeſty *George* I. and repeat and ſubſcribe the teſt, in the court of the county where he ſhall reſide, and ſhall alſo ſubſcribe in veſtry, to be conformable to the doctrine and diſcipline of the church of *England*.

USURY.

USURY.

22 *Geo.* II. (1748) *cap.* 37.

§ I. NO person, upon any contract to be made, shall take directly or indirectly, for loan of any monies, wares, merchandizes, or other commodities whatsoever, above the value of five pounds, for the forbearance of one hundred pounds for a year, and so after that rate, for a greater or lesser sum, or for a longer or shorter time. And all bonds, contracts, covenants, conveyances, agreements, and assurances, made after the time aforesaid, for payment of any principal, or money to be lent, or covenanted to be performed, upon or for any usury, whereby there shall be reserved or taken a greater rate, shall be utterly void: And every person upon any such contract, taking, accepting, and receiving, by means of any corrupt bargain, loan, exchange, shift, or interest, of any monies, wares, merchandizes, or other thing, or by any deceitful way or means, or by any covin, device, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of or for their money or other thing, above the sum of five pounds, for the forbearing of one hundred pounds for a year, and so after that rate, shall forfeit, for every such offence, the double value of the monies, wares, merchandizes, and other things so lent, bargained, exchanged, or shifted; one moiety to the king, *&c.* and the other to the informer, by action of debt or information, in any court of record where cognizable.

II. All bonds, contracts, covenants, conveyances, agreements, and assurances, had, made, or entered into, before the tenth day of *November*, 1734. and now subsisting, whereby any interest above the rate of six *per cent. per annum*, is, or was agreed to be taken or paid; and all such bonds, and other assurances as aforesaid, had, made, or entered into, after the said tenth day of *November*, and before the commencement of this act, and now subsisting, whereby any interest above five pounds in the hundred for a year, is, or was agreed to be taken or paid, shall be void

and

and null, as to all intereſt over and above the ſaid ſeveral rates of ſix pounds, or five pounds *per cent. per annum*, to be computed from the reſpective times of the firſt lending or contract.

III. Any borrower of money hereafter to be lent, may exhibit a bill in the general court, or any county court, againſt the lendor, and compel him to diſcover, upon oath, the principal money actually lent, and the contract made between them for the payment of intereſt: And if it appears that more than lawful intereſt was reſerved, the lendor ſhall be diſcharged, from all penalties of this act, but ſhall be obliged to accept the principal money without any intereſt.

IV. In all caſes where judgment ſhall be recovered for any penalty not exceeding ten pounds current money, forfeited by virtue of this act, the plaintiff ſhall alſo recover his full coſts; but no coſts ſhall be allowed, where the penalty recovered exceeds ten pounds.

V. Every broker, ſollicitor, and driver of bargains, who after the time aforeſaid, ſhall take or receive, directly or indirectly, any money, or other reward or thing, for brokage, ſolliciting, or procuring the loan, or forbearing of any ſum of money, over and above the rate or value of five ſhillings for the loan or forbearing of one hundred pounds for a year, and ſo rateably; or above one ſhilling, for making or renewing the bond or bill for loan, or forbearing thereof; or for any counter bond or bill concerning the ſame; ſhall forfeit, for every ſuch offence, twenty pounds: one moiety to the king, the other to the informer, to be recovered, by action of debt or information, in any court of record.

WARE-

WAREHOUSES.

22 *Geo.* II. (1748. *cap.* 51. *ſect.* 34.

§ I. PUBLIC warehouſes for the inſpection of tobacco ſhall be kept at the following places.

N.	Warehouſes eſtabliſhed.	In what county.	what year.	Where unit.	In ſal	Wareh. rent.	In what counties the notes will paſs.
					£.	l. s. d	
1	Acquia	Stafford	1748	- - - -	35	0 0 8	Prince William
2	Appamattox	Pr. Geo.	Do	- - - -	40	0 0 8	Surrey, Amelia, Brunſwick, Lunenburg.
3	Aylett's	K. Will.	Do	- - - -	35	0 0 8	Caroline.
4	Beckwith's	Richmo.	Do	Cat-point	35	0 0 8	
5	Bermuda h.	Henrico	Do	- - - -	20	8 0 0	Dinwiddie, Prince George,
6	Blandford	Pr. Geo.	1753	- - - -	35	0 0 8	Halifax, Prince Edward, Surrey, Suſſex, Amelia. Brunſwick, Lunenburg.
7	Bollings Jo.	Cheſterfi.	1748	- - - -	30	0 0 8	Dinwid. Pr. Edw. Pr. Geo.
8	Bollings-po.	Dinwid.	Do	- - - -	60	0 0 8	Do Do Do and Suſſ. Amel. Brunſwick, Lunenburg.
9	Bowler's	Eſſex	Do	Piſcattaway	30	0 0 8	Middleſex.
10	Boyd's-hole	Stafford	Do	- - - -	30	0 0 8	
11	Bray's	K. Geo.	Do	- - - -	30	0 0 8	
12	Brick-houſe	N. Kent	Do	- - - -	25	0 0 8	James' City.
13	Byrd's	Henrico	1752	- - - -	50	0 0 8	Cumberland Prin. Edward.
14	Cabbin-poi.	Surrey	1748	- - - -	50	0 0 8	Dinwiddie, Iſle of Wight, Prince George, Southamp. Suſſex, Brunſwick.
15	Capitol Lan.	York	Do	College La.	35	0 0 8	
16	Cat-point	Richmo.	1752	Beckwith's	35	0 0 8	
17	Cave's	Stafford	1748	- - - -	25	0 0 8	
18	Cherryſtone	Northa.	Do	Hungar's	25	2 10 0	Accomack.
19	College La.	Ja. City	Do	Capitol La.	35	10 0 0	
20	Conſtance's	Nanſem.	Do	- - -	30	0 0 8	
21	Conway's	Caroline	Do	- - -	45	0 0 8	Spotſylvania.
22	Crutchfields	Hanover	Do	- - -	55	0 0 8	Albemarle.
23	Curle's	Eliz City	1752	- - -	25	7 0 0	
24	Davis's	Lancaſt.	1748	Lowrey's	30	0 0 8	
25	Deacon's N	Glouceſt.	Do	- - -	35	0 0 8	
26	Deep-Creek	Lancaſt.	Do	- - - -	30	0 0 8	
27	Denbeigh	Warw.	Do	- - -	25	0 0 8	
28	Dixon's	K. Geo.	1752	- - - -	40	0 0 8	Culpepper.
29	Dymer's	Lancaſt.	1748	IndianCreek	30	0 0 8	
30	Eaſterm.riv.	Gloucef.	Do	- - -	30	0 0 8	
31	Falmouth	K. Geo.	Do	- - -	40	0 0 8	Culpepper, Stafford.
32	Falls of Pot.	Fairfax	Do	- - - -	30	0 0 8	
33	Fredericksb.	Spotſylv.	Do	- - -	50	0 0 8	Albemarle, Culpepp. Louiſa.
34	Fulgham's	I. of Wig	1753	Smithfi-eld	35	0 0 8	Brunſwick.

35 Gib.

N.	Warehouſes eſtabliſhed.	In what county.	what year	Where unit.	Inſ ſal	Wareh. rent	In what counties the notes will paſs.
					£.	l. s. d.	
35	Gibſon's	K. Geo.	1748	- - - -	30	0 0 8	
36	Glaſcock's	Richmo.	Do	- - - -	30	0 0 8	
37	Glouceſter	Gloceſt.	Do	- - -	30	0 0 8	
38	Gray's Cr.	Surrey	Do	- - - -	30	0 0 8	Iſle Wight, Suſſex, Brunſw.
39	Great Brid.	Norfolk	Do	Kemp's	30	5 0 0	Princeſs Ann.
40	Guilford	Accoma.	Do	Pitt's	25	5 0 0	Northampton.
41	Hobb's Hole	Eſſex	Do	- - - -	30	0 0 8	
42	Hog Neck	Ja. City	Do	- - - -	20	5 0 0	Charles City.
43	Hood's	Pr. Geo.	1753	- - -	30	0 0 8	Southamp. Surrey, Suſſex, Amelia, Brunſw. Lunenb.
44	Hungar's	Northa.	1748	Cherryſton.	25	2 10 0	Accomack.
45	Hunting Cr	Fairfax	Do	- - - -	30	0 0 8	
46	Indian-Cr.	Northu.	Do	Dymer's	30	0 0 8	Lancaſter.
47	Jordan's	Pr. Geo.	Do	- - -	30	0 0 8	Southamp. Surrey, Suſſex, Amelia, Brunſw. Lunenb.
48	Kemp's	Middleſ.	Do	- - - -	35	0 0 8	Glouceſter.
49	Kemp's	Pr. Ann	Do	GreatBridge	30	5 0 0	Norfolk,
50	Kenner's	Northu.	Do	Waughops	35	0 0 8	
51	Kennon's	Ch. City	1748	- - - -	30	0 0 8	
52	Layton's	Eſſex	1748	Occupatia	35	0 0 8	Caroline.
53	Littlepage's	N. Kent	1748	- - - -	25	0 0 8	James' City.
54	Lowrey's	Lancaſt.	1755	Davis's	30	0 0 8	
55	Machotick	Weſtmo	1748	- -	25	0 0 8	Stafford.
56	Mantapike	K.& Qu.	1748	- - -	30	0 0 8	
57	Merriweth.	Hanover	1748	- - -	35	0 0 8	Albemarle, King William.
58	Milner's	Nanſem.	1755	- - - -	35	0 0 8	
59	Morton's	K. Geo.	1748	- - -	30	0 0 8	
60	Noſſwaddox	Northam	Do	Pungoteag.	30	6 0 0	Accomack.
61	Nominy	Weſtmo.	Do	- - - -	35	0 0 8	
62	Occoquon	Fairfax	1748	Peyton's	35	0 0 8	
63	Occupatia	Eſſex	1748	Layton's	35	0 0 8	
64	Oſborne's	Cheſterfi	1748	- - - -	50	0 0 8	Dinwid. Pr. Edw. Pr. Geo.
65	Page's	Hanover	1748	- - -	55	0 0 8	Albemarle, King William.
66	Peyton's	Pr. Will.	1748	Occoquon	35	0 0 8	
67	Piping-Tree	K. Will.	Do	Williams's	30	0 0 8	
68	Piſcattaway	Eſſex	Do	Bowler's	30	0 0 8	
69	Pitt's	Accoma.	Do	Guilford	25	5 0 0	Northampton.
70	Pleaſant's	Henrico	1752	Woodſon's	30	5 0 0	
71	Pohick	Fairfax	1748	- - - -	35	0 0 8	
72	Poropotank	Gloucef.	1748	- - - -	30	0 0 8	
73	Price's	Weſtmo.	1753	Watt's	25	0 0 8	
74	Pungoteag.	Accoma.	1748	Naſſwaddax	30	8 0 0	Northampton.
75	Quantico	Pr. Will.	Do	- - - -	35	0 0 8	
76	Quarle's	K. Will.	1748	- - - -	25	0 0 8	
77	RockeyRid.	Cheſterfi.	1748	- - - -	40	0 0 8	Albemarle, Prince Edward.
78	Roe's	York	Do	- - - -	25	10 0 0	Eliz. City, Warwick,
79	Roy's	Caroline	1748	- - - -	45	0 0 8	
80	Royſton's	Spotſylv.	1748	- - - -	45	0 0 8	Albemarle, Culpepper.
81	Ruſt's	Weſtmo.	1758	Yeocomoco	35	0 0 8	
82	Shepherd's	K.& Qu.	Do	Turner's	35	0 0 8	
83	Shoccoe's	Henrico	1748	- - - -	50	0 0 8	Albem. Cumberl. Pr. Edw.

N.	Wareho. establish	In what county.	what year.	Where unit.	In all	Wareh. rent.	In what counties the notes will pass.
					£	l. s. d.	
84	Sleepy h.	Nansemu.	1748	Wilkinson's	30	0 0 8	Norfolk, Princess Ann.
85	Smithfiel.	I. of Wight	1752	Fulgham's	35	0 0 8	Surrey, Brunswick.
86	Swin-her.	Charl. City	1748	- - - -	25	10 0 0	
87	Todd's	King Will	1748	- - - -	40	0 0 8	Caroline.
88	Totasky	Richmond	Do	- - - -	35	0 0 8	
89	Turner's	K. and Qu.	Do	Shepherd's	35	0 0 8	Middlesex.
90	Urbanna	Middlesex	Do	- - - -	30	0 0 8	
91	Waddy's	New Kent	Do	- - - -	25	0 0 8	
92	Walkert.	K. and Qu.	1748	Waller's	35	0 0 8	
93	Waller's	King Will	1748	Walkerton	35	0 0 8	
94	Warwick	Henrico	Do	- - - -	55	0 0 8	Albem. Dinw. P. Ed. P. Geo.
95	Warwicks	I. of Wight	Do	- - - -	35	0 0 8	Surrey, Brunswick.
96	Watts's	Westmorl.	1753	Price's	25	0 0 8	
97	Waugho.	Northum.	1748	Kenner's	35	0 0 8	
98	Wiccom.	Northum.	1748	- - - -	35	0 0 8	
99	Wilkins.	Nansemu.	1748	Sleepy-hole	30	0 0 8	
100	Williams	King Will.	1748	Piping-Tr.	30	0 0 8	
101	Woodso.	Henrico	1752	Pleasant's	30	5 0 0	
102	Yeocom.	Westmor.	1748	Rust's	35	0 0 8	Northumberland.
103	York	York	1748	- - - -	30	0 0 8	Warwick.

Note, Where there is no public warehouse in any county, the public dues are to be paid at some warehouse in the next adjacent county, except the opposite sides of *James River* below the mouth of *Appamattox*, *York River* below *West-point*, and *Rappahannock River* below *Taliaferro*'s *Mount*, except also prince *William* notes in *Orange*.

II. Where wharfs are necessary to be built or kept in repair, and the rents hereby established are not sufficient for that purpose; or where any new warehouses shall be built in pursuance of this act, and the rent hereby established, shall not be proportionable to the expence of such building, such further allowance shall be made by the assembly as shall be thought reasonable.

III. The rents aforesaid, with the inspector's salaries, shall be allowed by the treasurer to the several inspectors, upon passing their accompts; and the inspectors shall pay the rents to the persons entitled to receive the same, out of the money received by them for inspecting tobacco.

IV. If the money received by any inspectors shall not be sufficient to pay the salaries, and rents, and other incident charges, such deficiency shall all be made good out of the general fund arising out of the profits of the other warehouses; and if that proves deficient, out of any other public money in the hands of the treasurer.

V. Where the warehouses are already built at any of the places before-mentioned, and are now made use of as public warehouses, the owners shall let the same to the inspectors, during the continuance of this act, at the rent hereby established, or forfeit one hundred pounds.

VI. Where warehouses are not already built, or any new warehouses shall be hereafter appointed, the justices of the court of that county, shall cause the owner or proprietor of the land, and if he or she be under age, feme covert, or out of the country, then the guardian, husband, or known attorney (as the case is) to be summoned to appear before them at the next court, there to declare whether they will undertake to build such houses, wharfs and other conveniencies, as the said court shall think fit to direct, and let the same to the inspectors appointed to attend such warehouses, at the rates settled by this act, or to be hereafter settled for the same; and if such owner or proprietor will undertake the same, the said court shall take bond with one sufficient surety in a reasonable penalty payable to his majesty, his heirs, &c. with condition for the due performance of such undertaking.

VII. If such owner or proprietor shall refuse to undertake the same, or to give such bond, the said justices shall value an acre of the said land for the use aforesaid, and agree with any person for building thereon such houses, wharfs, and other conveniencies as shall be necessary, and take bond with good security from such person or persons, for performing such agreement, and letting such land and houses to the inspectors at the rent settled, or to be settled, in pursuance of this act; and the person or persons with whom such agreement shall be made, upon paying or tendring to the owner or proprietor of the said land, the money at which the same shall be valued as aforesaid, and building thereon, according

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to his or their agreement, ſhall have an eſtate in fee ſimple in ſuch land, during the time ſuch place ſhall be made uſe of for a public warehouſe.

VIII. If the proprietor of the ſaid land, or any other perſon, will not build, and let the houſes, &c. as aforeſaid, the ſaid juſtices ſhall pay or tender to the proprietor of the ſaid land, the value thereof, according to the valuation aforeſaid, and cauſe ſuch houſes, wharfs, and other conveniencies to be built thereon, and levy the charge thereof upon the inhabitants of their county, and receive the yearly rent eſtabliſhed or to be eſtabliſhed, for reimburſing the county the charge of purchaſing the ſaid land and building thereon; and from thenceforth the juſtices of the ſaid county for the time being, ſhall be ſeized in fee of the ſaid lands, in truſt, and for the uſe of the ſaid county, during the time the ſaid place ſhall be made uſe of for a public warehouſe.

IX. Where the juſtices of any county court, or any other perſon, hath already built warehouſes upon the lands of another perſon, in purſuance of the laws now in force, the ſaid juſtices, or any other perſon ſhall be ſeized in fee of the acre of land upon which ſuch warehouſes are built, ſo long as the ſaid places reſpectively ſhall be made uſe of for public warehouſes; but, if any of the ſaid places be hereafter diſcontinued, the proprietor of the land returning the price paid for the ſame, ſhall be from thenceforth ſeized of of his former eſtate.

X. Provided, Where any warehouſes have been or ſhall be built by the juſtices, or other perſon, as aforeſaid, and the firſt proprietor of the land ſhall deſire to have the ſame again, ſuch proprietor, upon payment of ſo much money as ſhall be ſufficient to reimburſe the ſaid juſtices, or other perſon, the principal money expended for the purchaſe of the land, and the building ſuch warehouſes, with lawful intereſt, deducting the rents received by the ſaid juſtices, or other perſon, ſhall be reſtored to his former eſtate in the land whereon ſuch warehouſes are built, and ſhall receive the rents afterwards growing due for ſuch warehouſes.

XI. Provided also, If any proprietor so as aforesaid, restored to his estate, shall neglect or refuse to repair and build such houses and wharfs, as the court shall think necessary, the justices shall be again seized of the fee simple estate of such land during the time such place is made use of for a public warehouse, and such proprietor shall not have any benefit of the rents that shall thereafter become due.

XII. Provided also, Nothing herein shall impower the said justices to take away the houses, orchards, or other immediate conveniencies of any proprietor of land, for the uses aforesaid, or the said inspectors to keep any horses, cattle, or hogs, at any of the said warehouses except in inclosures, upon the land appointed for such warehouses.

XIII. Any swine belonging to any inspectors found at large upon the land appropriated for such warehouses, or the lands adjoining thereto, may be killed by the proprietors of the said lands.

XIV. The justices of the several counties in their county courts shall have full power to put into execution so much of this act as relates to the building public warehouses, and to regulate all matters concerning the same, and to direct the building and repairing such houses, wharfs, prizes, cranes, and other conveniencies, as to them shall seem expedient.

XV. Where any public warehouse hath been, or shall be built so near any river or creek, that the tobacco brought thither may be in danger of being destroyed by overflowing, the court of the county may direct the floor of such warehouse to be raised, as to them shall seem best.

XVI. If the proprietor of any warehouse shall refuse or neglect to make such buildings, repairs, wharfs, prizes, cranes, floors, and other conveniencies, as shall be directed by the court, such court may direct the same to be done at the charge of the county, aud the justices of the county shall receive a proportionable part of the rent for the use of the county; and if any difference shall arise between such proprietor and the justices, touching the proportion, the same shall be determined by the governor and council.

XVII. If

XVII. If there be immediate occaſion to hire houſes before others can be built, the rent thereof ſhall be paid by the county, and repaid by the public, without any charge upon the landlord.

XVIII. If upon application of the inſpectors to the county court, for building and making other neceſſary houſes, wharfs, and repairs, ſuch court fails to do their duty therein, every juſtice ſo failing or refuſing, ſhall forfeit one thouſand pounds of tobacco to be recovered in the general court with coſts, by action of debt or information againſt ſuch juſtices jointly.

XIX. 27 *Geo*. II. (1753) *cap*. 3. *ſect*. 8. The inſpectors ſhall not ſuffer any perſon to make uſe of the warehouſe at which they are inſpectors; and if any warehouſe ſhall be burnt, the loſs ſhall be made good by the general aſſembly, at the next ſeſſion after ſuch loſs, according to 22 *Geo*. II. *cap*. 51. but if it appears ſuch warehouſe was burnt, by means of the inſpectors permitting any perſon to make uſe thereof, ſuch inſpectors ſhall repay to the treaſurer, all ſuch ſum or ſums of money, as ſhall have been paid to the perſons injured.

XX. 28 *Geo*. II. (1755) *cap*. 5. *ſect*. 6. There ſhall be built by the proprietor in ſome proper place, convenient to every ſeparate inſpection, one brick ſquare or funnel, ſix feet at leaſt above ground, and four feet diameter, with a proper arch at the bottom of the ſame, for the burning of all the tobacco refuſed at the ſaid inſpection; and if the proprietor ſhall refuſe to build the ſame, the court of the county ſhall do it at the county charge, and deduct the ſame out of the rent ariſing from the ſaid warehouſe.

XXI. The inſpectors failing to ſee all the refuſed tobacco put into the ſaid brick funnel, and carefully burnt, ſhall forefeit for every neglect, ten ſhillings; recoverable by the informer, before any juſtice of the county where the warehouſe lies.

XXII. Any perſon making any fire within any public warehouſe, or without doors near the ſame, other than in ſuch ſquares or funnels, ſhall, if free, forfeit for every ſuch offence ten ſhillings; to be recovered before any juſtice of the county by the informer, and if a ſervant or ſlave, ſhall receive ten laſhes on the bare back for every ſuch offence.

WATER-MILLS.

22 *Geo.* II. (1748) *cap.* 26.

§ I. WHERE any perſon intending to build a water-mill on ſome convenient run, hath land only on one ſide thereof, ſuch perſon ſhall petition the court of the county where the land on the other ſide of ſuch run ſhall lie, for one acre to be laid off for ſuch uſe, which court ſhall, at the coſts of the petitioner, iſſue their order to the ſheriff, commanding him to ſummon a jury of twelve freeholders of the vicinage to meet upon the land petitioned for, who being met, and duly ſworn before a magiſtrate or the ſheriff, ſhall diligently view and examine the ſaid land, and the lands adjacent thereto, on both ſides the run in the ſame or the next county, which may be affected, or laid under water, by building ſuch mill, together with the timber and other conveniencies thereon, and ſhall report the ſame with the true value of the acre petitioned for, and of the damages to the party holding the ſame, or to any other perſon or perſons under their hands and ſeals, which report ſhall be returned by the ſheriff to the court whence ſuch order iſſued; and if thereupon it appears reaſonable to ſuch court, and if it takes not away houſes, orchards, or other immediate conveniencies, they may grant ſuch acre to the petitioner, and order the return to be recorded, which ſhall be a good and effectual ſeiſin in law, and upon paying down the valuation money of the land, and damages reported by the jury to the perſon and perſons legally intitled thereto, the ſame ſhall create a fee ſimple in the ſaid acre of land, to ſuch petitioner, and his heirs and aſſigns.

II. Provided, That ſuch petitioner ſhall within one year begin to build a water-mill, and finiſh the ſame in three years, and ſhall continue to keep the ſame in good repair for public uſe, otherwiſe ſuch acre ſhall revert to the former proprietor from whom the ſame was ſo taken, his or her heirs.

III. Provided alſo, When any mill ſhall be built purſuant to this act, and any perſon conceives himſelf injured by the building

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of ſuch mill, the party injured, may bring an action on the caſe againſt the owner of ſuch mill.

IV. Provided, If any water-mill belonging to any perſon under age, feme covert, *non compos mentis*, or impriſoned, be diſcontinued, burnt, or deſtroyed by tempeſt, ſuch perſon, and his or her heirs ſhall have three years to rebuild and repair the ſame, after ſuch diſability removed.

V. And whereas ſome perſons have built water-mills on a point of land of their own, in the fork of a ſwamp between two runs, and extended their dams each way croſs both runs, to lands in which they had only an eſtate tail, and have ſold the ſame, with an acre at each end of the ſaid dams, which caſe is within the equitable intent of this act; the court of the county in which the ſaid acres lie, ſhall, on the petition of the purchaſer, enquire into the facts, and if it appears the purchaſer hath paid a valuable conſideration for the ſaid acres, they ſhall record the title of the purchaſer, confirmed in fee ſimple thereto: Or, if in their opinion, a ſufficient conſideration is not already paid, they ſhall at the petitioner's coſts, order the ſheriff to ſummon a jury, as herein before directed, who being duly qualified, ſhall view, value and report, under their hands and ſeals, how much more the petitioner ought to pay, and the court ſhall record ſuch report; and that the petitioner's title to the ſaid acre at each end of the dam is confirmed to him in fee-ſimple, on his paying down to the party or parties entitled thereto, the ſum ſo reported, if any be found due; which proceedings ſhall be a good and effectual ſeiſin in law to the petitioner, and ſhall create a fee ſimple in the ſaid two acres to ſuch purchaſer, his, her, and their heirs for ever, ſubject nevertheleſs to the proviſoes, conditions and limitations of this act. And if the bounds of the ſaid two acres are not aſcertained in the deed of purchaſe, the jury appointed to value as aforeſaid, or any two members of the court, or other perſons whom the court ſhall appoint, ſhall fix and aſcertain the ſame, by marks on the land, and expreſs the ſame in writing, under their hands and ſeals, which ſhall be recorded in court, and be ſufficient to fix and aſcertain the bounds thereof.

VI. If

VI. If any mill be burnt, carried away by water, or any way deſtroyed, the proprietor being under none of the diſabilities herein before provided for, ſhall have the ſame time allowed to rebuild and repair ſuch mill, as there is allowed for the firſt building thereof.

VII. No perſon ſhall erect any mill, though he or ſhe has land on both ſides a creek or run, and though there be no other mill ſtanding thereon, without petitioning the county court, who are to conſider whether the adjacent lands of other perſons, may or will be affected thereby; and in that caſe to order a jury to value the damages, and make report thereof, in manner herein before directed; and thereupon to grant or reject ſuch petition: But where the petitioner's land extends ſo far on both ſides as not to affect or overflow the land of any other perſon, the court may, if they ſee cauſe, grant leave to the petitioner to build ſuch mill, without ordering any jury.

VIII. Provided, This act ſhall not extend to mills heretofore built or begun, though not finiſhed, but the owners thereof ſhall continue poſſeſſed of the ſame under their reſpective legal titles, as if this act had never been made. Where any mill has been built, and is now ſtanding, and the owner thereof, through ignorance or miſtake, hath not exactly purſued the method preſcribed by the law in force when ſuch mill was built, in reſpect to an acre of land adjoining, the court of the county wherein ſuch acre lies, ſhall, upon petition of ſuch owner, appoint two of their members to value the acre petitioned for, without having regard to any of the adjacent lands affected by ſuch mill, and upon the petitioner's paying down the valuation money to the party intitled thereto, he ſhall have a fee-ſimple eſtate in ſuch acre of land. But in both theſe caſes, ſuch eſtate ſhall be ſubject to the conditions and limitations of this act.

IX. All millers ſhall grind according to turn, and ſufficiently grind the grain brought to their mills, and ſhall take for toll one eighth part of all grain, and no more; and every miller or occupier of a mill making default in any of thoſe particulars, ſhall, for every ſuch offence, forfeit fifteen ſhillings to the party injured;

ed; to be recovered with coſts before a juſtice of the county, where ſuch offence is commited: And where the miller ſhall be an imported ſervant or ſlave, he ſhall, upon the firſt conviction for ſuch offence, receive thirty laſhes; and upon a ſecond conviction forty laſhes, in lieu of the forfeiture aforeſaid; but upon a third conviction, the owner ſhall pay fifteen ſhillings, and ſo for every ſuch offence afterwards committed by ſuch ſervant or ſlave; provided always, every owner or occupier of a mill may grind his or her own grain at any time.

X. Every owner or occupier of a mill ſhall keep therein ſealed meaſures, of half buſhel and peck, and a toll diſh ſealed, and ſhall meaſure all grain by ſtrike meaſure, under the penalty of fifteen ſhillings for every failure; recoverable with coſts by the informer, before a juſtice of the county where ſuch mill is; and if the miller be a ſervant or ſlave, the maſter or owner ſhall be liable to the penalty: And where the maſter lives out of the county, and has no known attorney therein, the appearance of ſuch ſervant or ſlave, ſhall be ſufficient for the juſtice before whom ſuch complaint ſhall be made, to proceed againſt the maſter or owner; but if the owner lives, or has a known attorney in the county, his or her appearance ſhall be required.

XI. No owner or occupier of a mill ſhall keep any hogs there, except in incloſures, unleſs ſuch owner or occupier ſhall have fifty acres of land, at leaſt, adjoining to ſuch mill: And if any hogs belonging to the owner or occupier of ſuch mill be found running at large, the proprietors of the land adjoining ſuch mill may kill and deſtroy them.

WEIGHTS and MEASURES.

8 *Geo.* II. (1734) *cap.* 9.

§ I. FROM henceforth there ſhall be but one weight, one meaſure, one yard, one ell, according to the ſtandard of the exchequer in *England*; and whoſoever ſhall ſell or buy by, or keep any other weight, meaſure, yard, or ell, whereby any corn, grain, ſalt, or other thing is bought or ſold, ſhall forfeit,

for every offence, twenty ſhillings, being thereof lawfully convicted, by the oath of one ſufficient witneſs, before any juſtice of the county, to be levied by diſtreſs and ſale of the offender's goods, for the uſe of the poor of the pariſh, rendering the overplus to the offender; and in default of ſuch diſtreſs, ſuch juſtice ſhall commit the offender to the common goal, there to remain without bail or mainprize, until he ſhall pay the ſaid forfeiture.

II. The juſtices of every county where they have not already provided the ſame, ſhall, within eighteen months after the end of this ſeſſion of aſſembly, provide at the county charge, braſs weights of half hundreds, quarters, half quarterns, ſeven pounds, four pounds, two pounds, and one pound weight, according to the ſaid ſtandard: And meaſures of buſhel, half buſhel, peck, and half peck, dry meaſure, and gallon, pottle, quart, and pint of wine meaſure, according to the ſame ſtandard, with proper ſcales for the weights, upon pain of forfeiting by every juſtice ſworn into the commiſſion of the peace, five ſhillings for every month ſuch weights and meaſures ſhall be wanting; to be recovered, by action of debt or information, in any court of record; one moiety to the king, *&c.* the other to the informer.

III. Such weights and meaſures ſhall be kept by ſuch perſon, as the county court ſhall appoint, to which all perſons may reſort for trying their weights and meaſures; and when they are tried and found to agree with the ſtandard, the ſame ſhall be ſealed by the perſon keeping ſuch ſtandard, with a ſeal to be likewiſe provided by the juſtices as aforeſaid, whoſe fee ſhall be for trying every ſtilyard, and certificate thereof, one ſhilling, and for trying and ſealing every weight and meaſure four pence, to be paid by the perſon for whom the ſame ſhall be done.

IV. Provided, Nothing herein ſhall be conſtrued to prohibit any perſon from buying and ſelling by ſtilyards, tried by and agreeing with the ſtandards aforeſaid, where the buyer and ſeller, payer and receiver, ſhall both conſent thereto.

V. 22 *Geo.* II. (1748) *cap.* 51. *ſect.* 44. There ſhall be kept at every public warehouſe a good and ſufficient pair of ſcales, with weights to weigh twelve hundred pounds, at leaſt, and a

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ſet of ſmall weights, the ſame that are or ought to be provided for the ſtandard weights of each county; and where ſuch ſcales and weights are not provided, or ſhall be worn out, or become unfit for uſe, the juſtices of the county where ſuch warehouſe is, ſhall provide the ſame with all convenient ſpeed, and the treaſurer ſhall pay the purchaſe money out of the public money in his hands. And the ſaid juſtices ſhall once yearly, at leaſt, appoint one or more of their number to view the ſaid ſcales, and examine and try the weights at the ſeveral warehouſes, by the ſtandard weights of the county; and if the ſaid ſcales and weights ſhall want repairing, they ſhall cauſe the ſame to be repaired and amended, and the weights made conformable to the ſtandard: And any juſtice ſo appointed, refuſing or neglecting to do the ſame, ſhall forfeit twenty ſhillings. And the charge of repairing and amending the ſaid ſcales and weights, and for removing the ſtandard to the ſeveral warehouſes for trying the ſame, ſhall be paid by the inſpectors reſpectively, and be allowed them in their account with the treaſurer.

WILLIAMSBURG.

4 *Ann*, (1705) *cap.* 43.

§ I. FOUR huudred ſeventy five foot ſquare of land, at Middle Plantation, ſhall be appropriated for a building (to be called the capitol) for the general aſſemblies, and general courts to be held and kept in; and the ſpace of two hundred foot every way from the ſame ſhall never be built on, but appropriated for the ſaid uſe.

II. Two hundred eighty three acres, thirty five poles and an half of land at Middle Plantation in *James'* City and *York* counties according to the ſurvey made by order of this general aſſembly, ſhall be appropriated for the uſe of a city to be there built.

III. Two hundred and twenty acres thereof to be ſet apart for building a city (to be called *Williamſburg* in honour of king *William*) and fifteen acres, forty four poles and a quarter, for a road from the ſaid city (to be called *Queen*'s road) to *Queen*'s Creek,

and fourteen acres, ſeventy one poles and a quarter, on the ſaid *Queen's* Creek, for a port or landing place for the ſaid city (to be called Queen *Mary's* port, in commemoration of Queen *Mary*) and ten acres forty two poles and an half for a road from the ſaid city (to be called Princeſs Road) to *Archer's*-Hope Creek (to be hereafter called Princeſs Creek) and twenty three acres, thirty ſeven poles and an half, upon the ſaid Princeſs Creek for a port or landing place for the ſaid city (to be called Princeſs *Ann* port, in honour of princeſs *Ann* of *Denmark*.

IV. The governor for the time being, by letters patents under the colony ſeal, may incorporate all perſons having an intereſt, freehold or habitation in the ſaid city, by the name of the mayor, aldermen and commonalty of the city of *Williamſburg*, and by that name to have perpetual ſucceſſion, and a common ſeal; and that they and their ſucceſſors, by the name aforeſaid, ſhall be able and capable in law to purchaſe, receive, enjoy, poſſeſs and retain, to them and their ſucceſſors for ever, any lands, rents, tenements and hereditaments whatſoever, and to ſell, grant, demiſe, alien or diſpoſe of them, and by the ſame name to ſue and implead, to be ſued and impleaded, anſwer and be anſwered, in all courts of record, or other places whatſoever, and under their common ſeal to make and eſtabliſh ſuch by laws, rules and ordinances (not contrary to the laws and conſtitutions of *England* and this colony) as they ſhall think neceſſary for the good ordering and government of ſuch perſons, as ſhall reſide within the limits of the ſaid city and corporation, or be concerned in the intereſt therein; and by the name aforeſaid, to do and execute all other matters and things that to them ſhall or may appertain to do.

V. the governor is deſired and impowered by letters patents under the colony ſeal, to grant to the ſaid city the liberty and privilege of holding and keeping ſuch and ſo many markets and fairs, at ſuch times, upon ſuch conditions, and under ſuch limitations as he ſhall think fit.

VI. 9 *Geo.* (1723) *cap.* 10. The court of Huſtings ſhall, and may hear and determine all complaints of maſters, ſervants, and appren-

apprentices within the ſame city, in the ſame manner as the courts of *York*, and *James' City* counties, reſpectively now have or do.

VII. The mayor, recorder, and aldermen of the ſaid city, or any three of them (whereof the mayor, recorder, or laſt preceding mayor ſhall be one) may take the examination of any perſon ſuſpected to have committed any capital crime, or other offence, triable in the general court, or court of *Oyer* and *Terminer*; and upon ſuch examination, if they ſee cauſe, may by mittimus under their hands, commit ſuch offender to the public goal of the ſaid city (the keeper whereof is required to receive the body of ſuch offender) or by recognizance, may bind ſuch offender perſonally to appear before the next general court, on the fourth day thereof, or the next court of *Oyer* and *Terminer*, and not to depart thence without leave of the ſaid courts reſpectively; and may ſummon and bind all ſuch perſons as they ſhall think material witneſſes againſt ſuch offender, to appear and give evidence againſt him or her.

VIII. 10 *Geo.* II. (1736) *cap.* 24. The court of Huſtings ſhall have juriſdiction, and hold plea of all actions perſonal and mixt, and attachments, whereof any county court in this colony hath, or can take cognizance.

IX. The mayor, recorder, and aldermen of the ſaid city, ſhall have, uſe, and exerciſe, all the powers, juriſdictions, and authorities out of court, which any juſtice or juſtices of the peace of a county now have, or can, or may uſe and exerciſe.

X. 15 *Geo.* II. (1742) *cap.* 26. The court of Huſtings ſhall have the ſole power of granting licences to ordinary-keepers within the ſaid city.

XI. 22 *Geo.* II. (1748) *cap.* 54. The act for rebuilding the capitol which was burnt, ſhall not be conſtrued, deemed, or taken to eſtabliſh or fix the ſeat of government in the city of *Williamſburg*.

XII. 29 *Geo.* II. (1756) *cap.* 10. A parcel of land laid out by *Benjamin Waller*, gentleman, into lots, adjoining to the city, ſhall be added and made part thereof, as the ſame is built upon and ſaved.

WILLS.

WILLS.

22 Geo. II. (1748) cap. 5.

§ I. EVERY county court within the reſpective counties, ſhall have juriſdiction to hear and determine all cauſes, matters, ſuits, and controverſies teſtamentary, brought before them, and may examine and take the proof of wills, and grant certificate thereof to the governor or commander in chief, or his deputy appointed for that purpoſe, being a member of ſuch court, for obtaining thereupon a probat or adminiſtration with the will annexed, as the caſe ſhall require, according to the methods and rules hereafter directed; that is to ſay, The will of any perſon dying, ſhall be proved in the court of that county where the deviſor's manſion-houſe, or place of reſidence was; and if no ſuch houſe, or place of reſidence and lands be deviſed by will in writing, then in the court of that county where ſuch lands lie: And if the lands lie in ſeveral counties, and if the deviſor dies in one of thoſe counties, then in the court of that county where he or ſhe died; and if ſuch deviſor died in any other county than where any of his or her lands lie, then ſuch will ſhall be proved in the court of ſome one of the counties where ſuch lands lie, and not in any other: And every ſuch will ſo proved, ſhall be as effectual for the diſpoſing of lands or other eſtate, as if the ſame had been proved in every particular county where any land or other eſtate ſhall be.

II. If any perſon having made a will ſhall die, and the executor or executors therein named, ſhall all of them refuſe the executorſhip, the ſame county court wherein ſuch will ought to have been proved, ſhall have power to hear and determine the right of adminiſtration, and to grant certificate for obtaining letters of adminiſtration *cum teſtamento annexo*.

III. When any will ſhall be exhibited to be proved in the general court, or any county court, ſuch court may proceed immediately to receive the proof thereof, and to appoint appraiſers to value the ſlaves and perſonal eſtate of the teſtator.

IV. But

IV. But where by any will, the lands of the teſtator, or any part thereof ſhall be deviſed away from the heir or heirs at law, ſuch proof as to him, her or them ſhall not be binding, but the court ſhall cauſe the heir or heirs to appear at the next court, and to conteſt the validity of ſuch will: And if there be divers heirs in equal degree to the teſtator, every one of them ſhall be ſummoned: And if no heir be known to the court, or executors who ſhall declare the ſame upon oath before ſuch court, then proclamation of ſuch will being exhibited and proved, ſhall be made by the ſheriff at the court-houſe, on two court days ſucceſſively, and he ſhall alſo publiſh notice thereof in writing, affixed at the door of every church in his county. And all perſons concerned in intereſt, who at the time of proving any will, ſhall be under age, feme covert, *non compos mentis*, impriſoned, or out of the country, may conteſt the ſaid proof at any time within ten years after their ſeveral diſabilities removed, and not after.

V. A probat, or adminiſtration granted on a certificate from any county court, purſuant to this act, ſhall enable the executors or adminiſtrators therein named, to ſue for their teſtators or inteſtates eſtates any where, as fully as they might do in the county where ſuch certificate was granted.

VI. All deviſes of any lands or tenements ſhall be in writing, and ſigned by the party deviſing the ſame, or ſome other perſon in his preſence, and by his expreſs direction, and ſhall be atteſted and ſubſcribed in the preſence of the ſaid deviſor, by two or more credible witneſſes, or ſhall be wholly writ by the ſaid deviſor's own hand, or elſe they ſhall be void and of no effect.

VII. No deviſe in writing of lands, tenements, or hereditaments, or any clauſe thereof, ſhall be revocable, otherwiſe than by ſome other will or codicil in writing, or other writing declaring the ſame, or by burning, cancelling, tearing, or obliterating the ſame by the teſtator himſelf, or in his preſence, and by his directions and conſent: But all deviſes and bequeſts of lands or tenements, ſhall continue in force until burnt, cancelled, torn, or obliterated by the teſtator himſelf, or by his directions in manner aforeſaid, or unleſs altered by ſome other will or codicil in writing,

or

or other writing of the deviſor, ſigned in the preſence of two or more witneſſes declaring the ſame, any law or uſage notwithſtanding.

VIII. If any will be after an adminiſtration granted, exhibited to be proved, or any of the deceaſed perſon's kindred, not having before refuſed, ſhall pray certificate for obtaining probat, the ſame ſhall be granted in like manner as if no former adminiſtration had been granted: Nor ſhall any court be hereby diſabled from ſummoning any perſon, having the will of a perſon deceaſed in poſſeſſion, to exhibit the ſame to the court, in order to a legal probation thereof: But any perſon may be compelled by ſummons or other lawful proceſs to produce ſuch will, that the legal proceedings may be had thereon.

IX. No nuncupative will ſhall be good where the eſtate thereby bequeathed exceeds the value of ten pounds current money, that is not proved by the oaths of two or more witneſſes preſent at making thereof, nor unleſs it be proved, that the teſtator at the time of pronouncing the ſame, did bid the perſons preſent, or ſome of them, bear witneſs that ſuch was his will, or to that effect, nor unleſs ſuch nuncupative will were made in the time of the laſt ſickneſs of the deceaſed, and in the houſe of his or her habitation or dwelling, or where he or ſhe had been reſident for the ſpace of ten days or more, next before making ſuch will, except where ſuch perſon was ſurprized or taken ſick being from his or her own houſe, and died before he or ſhe returned to the place of his or her dwelling.

X. After ſix months paſſed after ſpeaking the pretended teſtamentary words, no teſtimony ſhall be received to prove any nuncupative will, except the ſaid teſtimony, or the ſubſtance thereof were committed to writing within ſix days after making ſuch will.

XI. No certificate for granting probat of any nuncupative will, or adminiſtration of the eſtate by ſuch will given or bequeathed, ſhall be granted by any court until fourteen days at leaſt after the deceaſe of the teſtator expired; nor ſhall any nuncupative will at any time be admitted to be proved, unleſs ſummons have

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first issued to call in the widow, or next of kindred to the deceased, to contest the same if they please.

XII. No will in writing concerning any goods, or chattels, or personal estate, shall be repealed, nor shall any clause, devise or bequest therein be altered or changed by any words, or will by word of mouth only, except the same be in the life of the testator, or committed to writing, and after the writing thereof read unto the testator, and allowed by him, and proved so to be done by two or more witnesses.

XIII. Provided, That any soldier in actual military service, or any mariner or seamen being at sea, may dispose of his moveables wages and personal estate, as before the making of this act.

XIV. Before any certificate for a probat granted, the executor shall take the following oath in open court.

The OATH of an executor or administrator with the will annexed.

YOU shall swear, *That this writing contains the true last will of the within named* A. B. *deceased, as far as you know or believe; and that you will well and truly perform the same, by paying first his debts, and then the legacies contained in the said will, as far as his goods, chattels and credits will thereunto extend, and the law charge you; and that you will make a true and perfect inventory of all the said goods, chattels and credits.*

So help you God.

And shall also give bond in a sufficient sum, proportionable to the full value of the estate at the least, and with such sufficient security of persons residing in the same or any other county, as by the court shall be approved of, with the condition following.

Condition of the bond to be given by executors or administrators, with the will annexed.

THE condition of this obligation is such, That if the above bound *A. B.* executor of the last will and testament of *C. D.* deceased (or administrator, with the will annexed, of all

the goods, chattels, and credits of *C. D.* deceaſed) do make, or cauſe to be made, a true and perfect inventory of all and ſingular the goods, chattels, and credits of the ſaid deceaſed, which have or ſhall come to the hands, poſſeſſion, or knowledge of him the ſaid *A. B.* or into the hands or poſſeſſion of any other perſon or perſons for him; and the ſame ſo made, do exhibit, or cauſe to be exhibited, into the county court of *N.* at ſuch time as he ſhall be thereunto required by the ſaid court; and the ſame goods, chattels, and credits, and all other the goods, chattels, and credits of the ſaid deceaſed, at the time of his death, which at any time after ſhall come to the hands or poſſeſſion of the ſaid *A. B.* or into the hands or poſſeſſion of any other perſon or perſons for him, do well and truly adminiſter according to law; and further do make a juſt and true account of his actings and doings therein, when thereunto required by the ſaid court; and alſo, do well and truly pay and deliver all the legacies contained and ſpecified in the ſaid teſtament, as far as the ſaid goods, chattels, and credits will thereupon extend, according to the value thereof, and as the law ſhall charge him: Then this obligation to be void, otherwiſe to remain in full force and virtue.

Which bond ſhall be payable to the juſtices of the court ſitting at the time the ſame ſhall be taken, and their ſucceſſors, and ſhall not become void upon the firſt recovery, but may be put in ſuit, and proſecuted from time to time, by, and at the coſts of any party or parties injured, until the whole ſum of the penalty expreſſed in ſuch bond be recovered thereon.

XV. Where any teſtator ſhall leave viſible eſtate more than ſufficient to pay all his debts, and by his will ſhall direct, that his executor or executors ſhall not be obliged to give ſecurity, no ſecurity ſhall be required: But where the court ſhall ſee cauſe, upon their own knowledge, or the ſuggeſtions of creditors, or legatees, ſuſpect any executor or executors of fraud, or that the teſtator's perſonal eſtate will not be ſufficient to diſcharge all his debts; in ſuch or the like caſes, the court may, if they think fit, require ſuch executor or executors to give ſecurity, notwithſtanding

ing their teſtator's directions to the contrary; and if he, ſhe, or they refuſe or fail to give ſecurity, when ruled thereto by the court, ſuch refuſal or failure ſhall amount to a refuſal of the executorſhip and adminiſtration, with the will annexed, ſhall be committed in the manner by this before directed.

XVI. Provided, That nothing herein ſhall be conſtrued to abridge or reſtrain the power of executors over their teſtator's eſtates, before, or until probat of the will, or commiſſion of administration, with the will annexed.

XVII. All probats, and commiſſions of adminiſtration *cum teſtamento annexo*, iſſued upon certificates granted according to this act, ſigned by the governor or commander in chief, and ſealed with the colony ſeal; or ſigned by any perſon or perſons, being one or more of the magiſtrates in commiſſion of the peace, as ſhall be thereto authoriſed by the ſaid governor, or commander in chief, and ſealed with the ſeal of the court granting certificate (which ſeal the court ſhall provide at the county charge) ſhall be good and effectual in law, to enable the executors therein named to poſſeſs themſelves of their teſtator's eſtates, by any lawful ways or means whatſoever.

XVIII. All original wills ſhall remain in the clerk's office among the county records, except for the time they ſhall be removed by direction of the general court; and to every probat ſhall be annexed a true copy of the will on which ſuch probat is granted.

XIX. Where any decedent ſhall leave an eſtate, real or perſonal, to the value of one hundred pounds current money or more, the general court may take the proof of ſuch teſtator's will, and grant certificate for obtaining a probat or adminiſtration, with the will annexed, as the caſe is in the ſame manner, and with the ſame rules and limitations as by this act is before directed to be obſerved in the county courts: And all probats granted upon certificates in the general court, ſhall iſſue under the ſeal of the colony, and be ſigned by the governor, or commander in chief, or preſident of the council, or ſuch judge or judges of the ſaid court as ſhall be commiſſioned for that purpoſe by the governor,

or commander in chief, which ſhall be good and effectual in law, to enable the executors to recover and take the eſtate of their teſtator to them committed: And the forms of all oaths and bonds required by this act, ſhall be the ſame in the general court as in the county courts.

XX. 4 *Ann*, (1705) *cap.* 33. *ſect.* 4. When any perſon dies teſtate, leaving one or two children, and no more, he ſhall not diſpoſe of more than two third parts of his eſtate by will from his wife; and if ſuch perſon ſhall leave more than two children, he ſhall not leave his wife leſs than a child's part, according to the number of children: But if ſuch perſon leaves no child, then the wife ſhall have, at leaſt, one equal moiety of his eſtate; and every will otherwiſe made for ſo much thereof as relates to the wife, upon her petition to the court where the ſame ſhall be proved, ſhall be declared void: And ſhe may ſue for and recover ſuch part of her deceaſed huſband's eſtate as is herein before directed to be given her.

XXI. Provided, If ſuch wife dies before diſtribution of her deceaſed huſband's eſtate, her executors or adminiſtrators may ſue for ſo much as ſhall be given her by will, and no more.

XXII. 1 *Geo.* II. (1727) *cap.* 11. *ſect.* 20. When any widow ſhall not be ſatisfied with the proviſion made for her by her huſband's will; ſuch widow, within nine months after her huſband's death, before the court where ſuch will ſhall be proved, or by deed executed in the preſence of two or more witneſſes, may declare, That ſhe will not accept the legacy or legacies to her given, or any part thereof, and will renounce all benefit and advantage which ſhe might claim by ſuch laſt will, and after may demand and recover her dower of all the ſlaves of which her huſband died poſſeſſed, which ſhe ſhall enjoy during her life; and after her death, or the determination of her dower, the ſame ſhall go to the perſon or perſons in whom the property would have veſted, if the dower had not been demanded: And ſuch widow ſhall have ſuch ſhare of the perſonal eſtate of her huſband as directed *ſect.* 20. But if ſuch declaration is not made within nine months, ſhe ſhall be barred, and ſtand to the will.

WIT-

WITNESSES.

27 *Geo.* II. (1753) *cap.* 1. *sect.* 24.

§ I. WHERE witnesses are to appear before the general court, a summons shall be issued by the clerk, mentioning the day and place of appearance, the parties to the suit, and on whose behalf they are summoned.

II. If any witness be departing this colony, or by age or sickness or other legal disability, can't attend the court, any two judges thereof, on the party requiring his testimony, producing to them a certificate of such departure or disability, under the hand of one or more justices of the county where such witness lives, may order such witness's deposition to be taken at such time and place, and before such persons, as they shall think proper; or where the court is satisfied of the disability of any witness to attend, they may grant such order, and commissions for that purpose shall be issued by the clerk, but the party obtaining the same, shall give reasonable notice of the time and place of executing such commission to the other party, otherwise the depositions shall be void.

III. Every person summoned as a witness, and appearing before the court or commissioners, and refusing to give evidence upon oath, or if a *Quaker*, on solemn affirmation, shall be committed to the common goal, without bail or mainprize, until he gives such evidence.

IV. Popish recusants convict shall not be witnesses in any cause whatsoever.

V. Every person summoned as a witness, and failing to attend, shall be fined by the court, one thousand pounds of tobacco to the party for whom summoned, and be liable to such party's action at the common law, for damages: But if sufficient cause of such person's disability be shewn to the court, at the time he should have appeared, or at the next court, no fine or forfeiture shall be incured by such failure.

VI. No

VI. No writ or process whatsoever shall be served or executed on any witness coming to, attending at, or returning from the general court, allowing one natural day for every twenty miles such witness lives distant from the said court, and if any such be served or executed, it shall be void to all intents and purposes.

VII. Every witness shall be paid by the party summoning, one and an half pounds of tobacco *per* mile for coming and returning, besides ferriages, and sixty pounds of tobacco *per* day for attendance until discharged.

VIII. All witnesses shall claim their allowance by the clerk in the office, on whose refusal they may apply to the court.

IX. *Sect.* 38. Upon any bill filed, and before an answer upon oath made, That any of the complainant's witnesses are aged, infirm, or going out of this colony, whereby the complainant thinks he is in danger of losing the benefit of their testimony, the clerk may issue a *dedimus* to take the examination of such witnesses, *de bene esse*, the party taking such *dedimus* giving reasonable notice to the adverse party of the time and place of taking such examination.

X. Commissions to examine witnesses may be issued by the clerk, at any time after replication filed, the party taking such commission giving ten days notice of the time and place of executing the same.

XI. When any cause shall be at issue, and the examination of witnesses returned, if the complainant shall not within a month after, set down the cause for hearing with the clerk in the secretary's office, the defendant may have the cause set down at his request, and bring the same to hearing, giving the complainant, or his attorney, such notice as is directed in cases of trial at common law.

XII. 22 *Geo.* II. (1748) *cap.* 7. *sect.* 25. Commissions to examine witnesses may be awarded by the court, after replication filed, the party taking out such commission giving the adverse party ten days notice of the time and place of executing the same.

XIII. After any bill filed, and before the defendant puts in his answer upon oath made, That any of the complainant's witnesses

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ſes are aged and infirm, or going out of this colony, whereby the complainant thinks he is in danger of loſing the benefit of their teſtimony, the clerk may iſſue a *dedimus* to take the examination of ſuch witneſſes, *de bene eſſe*, giving reaſonable notice ſo as to be valid, if the complainant has not an opportunity to take their examination in the ordinary courſe of proceedings.

XIV. When any cauſe ſhall be at iſſue, and the examination of witneſſes returned, if the complainant ſhall not, at the next court, ſet down the cauſe for hearing, the defendant may have it ſet down at his requeſt.

XV. The clerk of every county ſhall iſſue ſummonſes for witneſſes to attend in any cauſe, or matter depending before the county court, or upon any ſurvey of land ordered by the court, expreſſing in every ſummons the time and place where the witneſſes are to appear, the names of the parties to the ſuit or cauſe wherein they are to give evidence, and at whoſe requeſt they are ſummoned ; and if any witneſs be an inhabitant of another county, ſhall iſſue ſummons into the county where ſuch witneſſes inhabit or uſually reſide, directed to the ſheriff or coroner of ſuch county, who ſhall execute and return the ſame to the office whence the ſame iſſued.

XVI. Every perſon ſummoned to appear at any county court, or on any ſurvey as a witneſs, and being an inhabitant of the ſame county, ſhall be paid by the perſon at whoſe ſuit the ſummons iſſued twenty five pounds of tobacco *per* day; and every perſon reſiding in and ſummoned out of another county, ſhall have twenty five pounds of tobacco *per* day for attendance, and be paid for travelling and ferriages to and from court, as witneſſes in the general court, to be paid by the party ſummoning him or her; which allowances ſhall be ordered by the court upon motion, and a copy thereof iſſued by the clerk at any time upon requeſt.

XVII. Any perſon ſummoned, and failing to attend, ſhall be fined by the court to the party at whoſe ſuit the ſummons iſſued, three hundred and fifty pounds of tobacco, and be further liable to the action of ſuch party for damages; but if the perſon

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so failing shall, at the court to which the summons is returnable, or at the next succeeding court, shew sufficient cause of his or her inability to attend, no fine shall be incurred by such failure.

XVIII. Every witness, during the time of his or her coming to, attending, or returning from the court, shall be privileged and free from arrest and imprisonment, in the same manner as witnesses summoned to the general court.

XIX. Where any witness shall be aged, infirm, or going out of the colony, upon oath thereof made, the clerk, upon request of either party, may issue a *dedimus* to take the examination of such witnesses, in the same manner, and with such notice as such commissions may be issued, executed, and returned in proceedings in the general court.

XX. 22 *Geo.* II. (1748) *cap.* 13. *sect.* 10. No convict shall be admitted as a witness to give evidence in any cause, civil, or criminal, except against or between any other convicts, until the term for which such convict was sentenced to be transported shall appear to be fully expired.

XXI. No free *Negro, Mulatto,* or *Indian* shall be admitted or sworn a witness in any cause whatsoever, except against or between *Negros, Mulattos,* or *Indians.*

XXII. 22 *Geo.* II. (1748) *cap.* 38. *sect.* 9. Where any *Negro, Mulatto,* or *Indian* (not being a Christian) shall be found, upon due proof made, or pregnant circumstances appearing to any county court, to have given a false testimony on trial of any slave for a capital crime, every such offender, without further trial, shall be ordered by the said court to have one ear nailed to the pillory, and there to stand for an hour, and then the said ear to be cut off, and the other nailed in like manner, and cut off at the end of another hour; and further to receive thirty nine lashes on the bare back, well laid on, at the common whipping-post.

XXIII. At every such trial of slaves for capital offences, the person first named in the commission then sitting shall, before the examination of every *Negro, Mulatto,* or *Indian,* not being a Christian, charge such evidence to declare the truth, in the words following.

YOU

YOU are brought hither as a witness; and by the direction of the law, I am to tell you before you give your evidence, that you must tell the truth, the whole truth, and nothing but the truth; and that if it be found hereafter, that you tell a lie, and give false testimony in this matter, you must for so doing have both your ears nailed to the pillory, and cut off, and receive thirty nine lashes on your bare back well laid on, at the common whipping post.

XXIV. No *Negro, Mulatto,* or *Indian,* shall be admitted in any court, or before any magistrate, to be sworn as a witness, or give evidence in any cause whatsoever, except upon the trial of a slave for a capital offence.

XXV. Provided, Any free *Negro, Mulatto,* or *Indian,* being a Christian, shall be admitted in any court, or before a justice, to be sworn as a witness, and give evidence against or between any other *Negros, Mulattos,* or *Indians,* in any cause civil or criminal.

XXVI. 22 *Geo.* II. (1748) *cap.* 41. *sect.* 4. If any *Negro, Mulatto,* or *Indian,* (not being a Christian) shall, upon due proof made, or pregnant circumstances appearing to any county court, be found to have given false testimony on the trial of any slave, for the first or second offence of hog-stealing, he or she without further trial, shall be by such court ordered to receive the same corporal punishment, as the slave tried for hog-stealing would receive upon conviction, and the first justice in commission, sitting at such trial shall before the examination of such *Negro, Mulatto,* or *Indian,* charge such evidence to speak the truth, and inform him or her of the consequences of giving false testimony.

WOLVES.

22 *Geo.* II. (1748) *cap.* 50.

§ I. EVERY person killing, or destroying any wolf, within this colony, shall have a reward of fifty pounds of neat tobacco, for every young wolf, not exceeding the age of six months; to be adjudged by the justice before whom the head

ſhall be brought: And for every wolf above that age, one hundred pounds of neat tobacco; to be levied and paid in the county where killed, and repaid to ſuch county in the next public levy; and the county courts ſhall levy and pay the ſame, in their annual county levy, to the parties intitled thereto, upon certificates obtained purſuant to this act.

II. Every perſon claiming ſuch reward, ſhall produce the whole head of every wolf to a juſtice of the county where killed, and ſhall before ſuch juſtice make oath, or, if a *Quaker*, ſolemnly affirm and declare, as follows,

I *A. B.* do ſwear, *That this head by me now produced, is the head of a wolf, (or that the heads by me now produced, are the heads of wolves) firſt taken, and killed within the county of* C. *in* Virginia, *and that I have not wittingly or willingly ſpared the life of any bitch wolf, in my power to kill.*

And if ſuch wolf-killer be a Chriſtian under fourteen years of age, or a tributary *Indian*, *Mulatto*, or *Negro*, ſuch juſtice may admit ſuch other evidence, teſtimony, or circumſtances, as in his diſcretion ſhall ſeem convincing.

III. Every juſtice before whom ſuch heads ſhall be brought, may, and ſhall adminiſter ſuch oath, or affirmation, or take ſuch other proof and teſtimony as the caſe ſhall be, and thereupon grant the wolf-killer a certificate, reciting his or her name, the number of heads produced, either of old, or ſuch as in his judgment appears not to exceed the age of ſix months, the time and place of killing; and that oath, or affirmation, or other ſufficient proof, had been made before him, which being produced to the court laying the county levy, ſhall entitle the parties therein named, to the reward aforeſaid, but no claim or demand for the ſame ſhall be received or allowed, without ſuch certificate.

IV. Every perſon convicted of taking a falſe oath, or affirmation, in order to obtain ſuch certificate, ſhall ſuffer as for wilful and corrupt perjury in a court of record; and moreover, forfeit

one

one thousand pounds of tobacco for every such offence, one moiety to the king, *&c.* the other to the informer; to be recovered with costs in any court of record, by action of debt or information.

V. Provided, Every justice shall cause the ears of all wolves heads brought before him, to be cut off in his presence, and shall not grant a certificate for any scalp.

VI. Any justice suspecting the truth of any such oath, or affirmation, shall delay granting a certificate till his next county court, by whom the causes of his suspicion shall be heard and adjudged, in the presence of the suspected person, if he shall think fit to appear and make his defence; and according to the judgment of the court, such justice shall grant or refuse his certificate.

VII. The clerks of the several county courts shall return to every session of assembly, a true list of the names of every person to whom any rewards for wolves heads has been allowed in their county levy, and the names of the justices granting certificates for the same, to the end such county may be paid in the next public levy.

WRIT of ERROR.

27 *Geo.* II. (1753) *cap.* 1. *sect.* 27.

§ I. NO writ of error to a judgment of any inferior court shall be sued out, but with leave of the general court on a motion for that purpose, and on giving bond and security in the same manner as on suing out a supersedeas. Of which motion ten day's notice shall be given to the adverse party.

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